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Hon. William H. Seward

Hon. Lewis Cass

Speeches.





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PRICE SIX CENTS.

# SPEECHES

OF

HON. WILLIAM H. SEWARD,

AND

HON. LEWIS CASS,

ON THE

SUBJECT OF SLAVERY.

DELIVERED IN THE SENATE OF THE UNITED STATES, MARCH, 1850.



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# SPEECH

OF THE

## HON. WM. H. SEWARD,

IN THE SENATE OF THE UNITED STATES,  
ON THE ADMISSION OF CALIFORNIA.

[DELIVERED MARCH 8, 1850.]

—:—

MR. SEWARD arose and said—*Mr. President*: Four years ago, California, scarcely inhabited and quite unexplored, was unknown even to our usually immoderate desires, except by a harbor, capacious and tranquil, which only Statesmen then foresaw would be useful in the Oriental Commerce, of a far distant, if not merely chimerical future.

A year ago, California was a mere military dependency of our own, and we were celebrating, with enthusiasm and unanimity, its acquisition, with its newly discovered, but yet untold and untouched mineral wealth, as the most auspicious of many and unparalleled achievements.

To-day, California is a State, more populous than the least, and richer than several of the greatest of our thirty States. This same California, thus rich and populous, is here asking admission into the Union and finds us debating the dissolution of the Union itself.

No wonder if we were perplexed in the changing embarrassment, no wonder if we are appalled by ever increasing responsibilities! No wonder if we are bewildered by the ever augmenting magnitude and rapidity of national vicissitudes!

SHALL CALIFORNIA BE RECEIVED? For myself, upon my individual judgment and conscience, I answer Yes! For myself, as an instructed Representative of one of the States, of that one even, of the States, which is soonest and longest to be pressed in commercial and political rivalry by the new Commonwealth, I answer, Yes! Let California come in. Every new State, whether she come from the East or from the West, coming from whatever part of the Continent she may, she is welcome. But California, that comes from the clime where the West dies away into the rising East—California which bounds at once the Empire and the Continent,—California the youthful Queen of the Pacific, in her robes of Freedom, gorgeously inlaid with gold, is doubly welcome.

And now I enquire, *FIRST, why should California be rejected?* All the objections are founded only in the circumstances of her coming, and in the organic law which she presents for our confirmation.

*FIRST.* California comes unceremoniously, without a preliminary consent of Congress, and therefore by usurpation. This allegation, I think, is not quite true,—at least not quite true in spirit. California is not here of her own pure volition. We tore California violently from her place in the confederation of Mexican States, and stipulated by the treaty of Guadalupe Hidalgo, that the territory should be admitted, by States, into the American Union as speedily as possible.

But the letter of the objection still holds. California *did* come without a preliminary consent by Congress to form a Constitution. But Michigan and other States presented themselves in the same unauthorized way, and Congress waived the irregularity, and sanctioned the usurpation. California pleads these precedents. Is not the plea sufficient?

But it has been said by the Hon. Senator from South Carolina, (MR. CALHOUN) that the ordinance of 1787, secured to Michigan the right to become a State, when she should have sixty thousand inhabitants. Owing to some neglect, Congress delayed to take the census; and this is said, in palliation of the irregularity in the case of Michigan. But California, as has been seen, had a treaty, and Congress, instead of giving previous consent, and instead of giving her the customary territorial government, as they did to Michigan, failed to do either, and thus practically refused both, and so abandoned the new community, under most unpropitious circumstances, to anarchy. California then made a constitution for herself, but not unnecessarily and presumptuously, as Michigan did. She made a constitution for herself, and came here under the law—the paramount law of self-preservation. I think she stands justified.

Indeed, California is more than justified. She was a *Colony*—a *military Colony*. All

Colonies, especially *military* Colonies, are incongruous with our political system, and they are equally open to corruption and exposed to oppression. They are, therefore, not more unfortunate in their own proper condition than fruitful in dangers to the present Democracy. California then acted wisely and well in establishing self-government. She deserves not rebuke, but praise and admiration.

Nor does this objection come with a good grace from those who offer it. If California were now content to receive only a territorial charter, we could not agree to grant it without an inhibition of slavery which in that case being a federal act, would render the attitude of California as a territory even more offensive to those who now repel her, than she is as a State, with the same inhibition in the Constitution of her own voluntary choice.

The second objection is, that California has assigned her own boundaries, without the previous authority of Congress. But she was left to organize herself, without any boundaries fixed by previous law, or by prescription. She was obliged, therefore, to assume boundaries, since without boundaries she must have remained unorganized.

A third objection is, that California is too large. I answer; first, there is no common standard of States. California, though greater than many, is less than one of the States. Second, California if too large, may be divided with her own consent, which is all the security we have for reducing the magnitude and averting the preponderance of Texas. Thirdly, the boundaries of California seem not at all unnatural. The territory circumscribed is altogether contiguous and compact. Fourth, the boundaries are convenient. They embrace only inhabited portions of the country, commercially connected with the port of San Francisco. No one has pretended to offer boundaries more in harmony with the physical outlines of the region concerned, or more convenient for civil administration.

But to draw closer to the question, *what* shall be the boundaries of a new State, concerns, first, the State herself, (and California, of course, is content;) secondly, adjacent communities—Oregon does not complain of encroachment, and there is no other adjacent community to complain:—thirdly, the other States of the Union. The larger the Pacific States, the smaller will be their relative power in the Senate. All the States now here are largest States and inland States, and surely they may well indulge California in the largest liberty of boundaries.

The fourth objection to the admission of California is, that no previous census had been taken and no laws prescribing the qualifications of suffrage and apportionment of Representatives in Convention existed.

I answer, California was left to act *ab initio*. She must begin somewhere without a census and without such laws. The Pilgrim Fathers began in the same way on board the *Mayflower*; and since it is objected that some of the electors in California may have been aliens, I add that the Pilgrim Fathers were aliens and strangers to the Commonwealth of Plymouth.

Again, the objection may well be waived if the Constitution of California is satisfactory, first, to herself, and, secondly, to the United States. As regards the first of these, not a murmur of discontent has followed California to this place; and, as to ourselves, we confine our inquiries about the Constitution of a new State to four things: First, the boundaries assumed, and I have considered that point in this case already. Second, that the domain in the State has accrued to us—and it is admitted that this has been properly done. Third, That the Government shall be republican, and not aristocratic or monarchical. In this case the only objection is that the constitution, inasmuch as it inhibits slavery, is altogether too republican. Fourth, That the representation claimed shall be just and equal. No one denies that the population of California is sufficient to demand two representatives on the Federal basis; and, Secondly, a new census is at hand, and the error, if there be one, will be immediately corrected.

The fifth objection is, that California comes under Executive influence, first in her coming as a *free* State, and second in her coming at all. The first charge rests on suspicion only, and is peremptorily denied, and the denial is not controverted by proofs. I discard it altogether. The second is true to the extent that both the late President and the present President advised the people of California, that having been left without any civil government, under the military supervision of the Executive, without any authority of law whatever, the adoption of a constitution, subject to the approval of Congress, would be regarded favorably by the President.

Only a year ago it was complained that the exercise of the military power to maintain law and order in California was a fearful innovation. But now the wind has changed, and blows even stronger from the opposite quarter. May this Republic never have a President commit a more serious or more dangerous usurpation of power than the act of the present eminent Chief Magistrate in endeavoring to induce the Legislative authorities to relieve him from the exercise of military power, by establishing civil institutions regulated by law, in distant provinces. Rome would have been standing this day, if she had had such Generals and such Magistrates.

But the objection, whether true in part, or even in the whole, is immaterial.

The question is not what moved California to impress any particular feature on her constitution, nor even what induced her to adopt a Constitution at all; but it is whether, since she has adopted a Constitution she shall be admitted into the Union?

I have now reviewed all the objections raised against the admission of California. It is seen that they have no foundation in the law of nature and of nations. Nor are they found in the Constitution; for the Constitution prescribes no form or manner of proceeding in the admission of new States, but leaves the whole to the discretion of Congress. "Congress may admit new States." The objections are all merely formal and technical. They rest on precedents which have not always, nor even generally, been observed.

But it is said that we ought now to establish a safe precedent for the future. I answer it is too late to seize this occasion for that purpose, the irregularity complained of being unavoidable. The caution should have been exercised, 1st, when Texas was annexed; 2d, when we waged war against Mexico; or, 3d, when we ratified the Treaty of Gaudalupe Hidalgo. Again: we may establish precedents at pleasure. Our successors will exercise their pleasure about following them, just as we have done in such cases. Third, States, Nations and Empires are apt to be peculiarly capricious, not only as to the time, but even as to the *manner* of their being born, and as to their subsequent political changes. They are not accustomed to conform to precedents. California sprung from the head of the nation, not only complete in proportions and fully armed, but ripe for affiliation with its members.

I proceed to state my reasons for the opinion that California ought to be admitted. The population of the United States consists of natives of Caucasian origin, and exotics of the same derivation. The native mass rapidly assimilates to itself and absorbs the exotic: and these, therefore, constitute one homogenous people. The African race, bond and free, and the aborigines, savage and civilized, being incapable of such assimilation and absorption, remain distinct, and owing to their peculiar condition constitute inferior masses, and may be regarded as accidental if not disturbing political forces.

The ruling homogenous family planted at first on the Atlantic shore, and, following an obvious law, is seen continually and rapidly spreading itself Westward, year by year, subduing the wilderness and the prairie, and thus extending this great political community, which as fast as it advances breaks into distinct States for municipal purposes only, while the whole constitutes one entire contiguous and compact nation.

Well established rules of political arithmetic enable us to say, that the aggregate population of the nation now is 22 millions; that ten years hence it will be 30 millions—20 years hence, 38 millions—30 years hence, 50 millions—40 years hence, 64 millions—50 years hence, 80 millions—and 100 years hence, 200 millions. But in the advance of population, the Pacific will far exceed what occurred on the Atlantic coast, while emigration is outstripping the estimates on which these calculations are based. There are silver and gold in the mountains and ravines of California. The granite of New England is barren.

Allowing due consideration to the increasing density of our population, we are safe in assuming that long before this mass shall have attained the maximum of numbers indicated, the entire width of our possessions from the Atlantic to the Pacific ocean, will be covered by it, and be brought into social maturity and complete political organization.

The question now arises, shall this great People, having a common origin, a common language, a common religion, common sentiments, interests, sympathies, and hopes, remain one political State, one Nation, one Republic, or it shall be broken into two conflicting and probably hostile Nations or Republics? There cannot ultimately be more than two, for the habit of association already formed, as the interests of mutual intercourse are forming, and the central portions if they cannot all command access to both oceans, will not be obstructed in their approaches to that one which offers the greatest facilities to their commerce.

Shall the American people, then, be divided? Before deciding on this question, let us consider our position, our power, and capabilities. The world contains no seat of Empire so magnificent as this, which, while it embraces all the varying climates of the Temperate Zone, and is traversed by wide expanding lakes and long branching rivers, offers supplies on the Atlantic shores to the overcrowded nations of Europe; while on the Pacific coast, it intercepts the commerce of the Indies. The nation thus situated, and enjoying forest, mineral and agricultural resources unequalled, if they are endowed also with moral energies adequate to the achievement of great enterprises, and favored with a government adequate to their character and condition, must command the Empire of the Seas, which alone is *real* Empire. We think that we may claim to have inherited physical and intellectual vigor, courage, invention and enterprise, and the systems of Education prevailing among us open to all the stores of human science and art.

The Old World and the Past were allotted by Providence to the pupilage of mankind,



under the hard discipline of arbitrary power, quelling the violence of human passions. The New World and the Future seem to have been appointed for the maturity of mankind, with the development of self-government operating in obedience to reason and judgment. We have thoroughly tried our novel system of Democratic Federal Government with its complex yet harmonious and effective combination of distinct local elective agencies for the conduct of domestic affairs, and its common, central elective agencies for the regulation of internal interests and intercourse with foreign nations, and we know that it is a system equally cohesive in its parts and capable of all desirable expansion: and that it is a system, moreover, perfectly adapted to secure domestic tranquility, while it brings into activity all the elements of national aggrandizement.

The Atlantic States, through their commercial, social and political affinities and sympathies, are steadily renovating the governments and the social constitutions of Europe and Africa. The Pacific States must necessarily perform the same sublime and beneficent functions in Asia. If, then, the American people shall remain one individual nation, the ripening civilization of the West, after a separation growing wider and wider for four thousand years, will in its circuit of the world meet again and mingle with the declining civilization of the East, on our own free soil, and a new and more perfect civilization will arise to bless the earth, under the sway of our own cherished and beneficent Democratic institutions. We may then reasonably hope for Greatness, Felicity and Renown exceeding any hitherto attained by any nation, if standing firmly on the continent, we loose not our grasp on the shore of either ocean. Whether a destiny so magnificent would be only partially defeated, or whether it would be altogether lost by a relaxation of that grasp surpasses our wisdom to determine, and happily is not important to be determined. It is enough if we agree that expectations so grand, yet so reasonable and so just, ought not to be in any degree disappointed.

And now it seems to me that the perpetual unity of our empire hangs on the decision of this day, and of this hour. California is already a State—a complete and fully appointed State. She never again can be less than that. She can never again be a Province or a colony. Nor can she be made to shrink and shrivel into the proportions of a federal dependent Territory. California then henceforth and forever must be what she is now—a State. The question whether she shall be one of the United States of America has depended on her and on us. Her election has been made. Our consent alone remains suspended, and that consent must be pronounced now or never. I say now or never! Nothing prevents it now but want of agreement among ourselves. Our harmony cannot increase while this question remains open. We shall never agree to admit California unless we agree now.

Nor will California abide delay. I do not say that she contemplates independence; but if she does not it is because she does not anticipate rejection. Do you say that she can have no motive? Consider then her attitude if rejected. She needs a Capital, a Legislature and Magistrates, she needs titles to that golden domain of ours within her borders—good titles too, and you must give them on your own terms, or she must take them without your leave. She needs a Mint, a Custom House, Wharves, Hospitals and Institutions of learning. She needs fortifications and roads and railroads. She needs the protection of an army and a navy. Either your Stars and Stripes must wave over her ports and her fleets, or she must raise aloft a standard for herself. She needs at least to know whether you are friends or enemies. And finally, she needs what no American community can live without, Sovereignty and Independence,—either a just and equal share of yours, or Sovereignty and Independence of her own.

Will you say that California could not aggrandize herself by separation? Would it then be a mean ambition to set up within fifty years on the Pacific coast monuments like those which we think two hundred years have been well spent in establishing on the Atlantic coast? Will you say that California has no ability to become independent? She has the same moral ability for enterprise that inheres in us, and that ability implies command of all physical means. She has advantages of position. She is practically further removed from you than England. You cannot reach her by railroad, or by unbroken steam navigation. You can send no armies over the Prairie, the Mountain and the Desert; nor across the remote and narrow Isthmus within a foreign jurisdiction, nor around the Cape of Storms. You may send a Navy there, but she has only to open her mines and she can seduce your mariners and appropriate your Floating Bulwarks to her own defence. Let her only seize your domain within her borders, and your commerce in her port and she will have at once revenue and credit adequate to all her necessities. Besides, are we so moderate, and has the world become so just, that we have no rivals and no enemies to lend their sympathies and aid to compass the dismemberment of our Empire? Try not the temper or the fidelity of California,—at least, not now, not yet. Cherish her and indulge her until you have extended your settlements to her borders, and bound her fast by railroads and canals, and telegraphs to your interests,—until her affini-

ties of intercourse are established, and habits of loyalty are fixed; and then she can never be disengaged.

California would not go alone. Oregon, so intimately allied with her, and as yet so loosely attached to us, will go also; and then, at least, the entire Pacific coast, with the western declivity of the Sierra Nevada would be lost. It would not depend at all on us, nor even on the mere forbearance of California, how far eastward the long line across the Temperate zone should be drawn which should separate the Republic of the Atlantic, Terminas has passed away with all the Deities of the Ancient Pantheon, but his sceptre remains. Commerce is the God of Boundaries, and no man now living can foretell his ultimate decree.

But it is insisted that the admission of California shall be attended by a COMPROMISE of questions which have arisen out of SLAVERY. I am opposed to any such Compromise, in any and all the forms in which it has been proposed. First: because while admitting the purity and the patriotism of all from whom it is my misfortune to differ, I think all Legislative Compromise essentially and radically wrong and indefensible. They involve the surrender of the exercise of judgment and conscience on distinct and separate questions at distinct and separate times, with the indispensable advantages it affords for ascertaining truth. They involve the relinquishment of the right to reconsider in future the decision of the present, in questions prematurely anticipated, and they are an usurpation, as to future questions, of the province of future Legislators.

Sir, it seems to me as if slavery had laid its paralyzing hand upon myself, and th blood were coursing less freely than its wont through my veins, when I endeavor to suppose that such a Compromise has been effected and my utterance forever is arrested upon all the great questions, social, moral and political, arising out of a subject so important, and, as yet, so incomprehensible. What am I to receive in this compromise? Freedom in California. It is well. It is a noble acquisition. But what am I to give up as an equivalent? A recognition of the claims to perpetuate Slavery in the District of Columbia! Forbearance towards more stringent laws concerning the arrest of persons suspected of being slaves, found in Free States! Forbearance from the Proviso of Freedom in the charters of new territories. None of the plans of Compromise offered, demand less than two, and most of them insist on all these conditions. The equivalent, then, is, some portion of Liberty, some portion of Human Rights in one region for Liberty in another region. But California brings gold and Commerce as well as freedom. I am then to surrender some portion of Human Freedom in the District of Columbia, and in East California and New Mexico, for the mixed consideration of Liberty. Gold, and Power on the Pacific coast.

This view of legislative compromise is not new. It has widely prevailed, and many of the State Constitutions interdict the introduction of more than one subject into one bill submitted for legislative action.

Sir, it was of such Compromises that Burke said, in one of the greatest bursts of even his majestic parliamentary eloquence, "Far, far from the Commons of Great Britain be all manner of real vice, but ten thousand times farther from them—as far as from Pole to Pole—be the entire vice of spurious, affected, counterfeit and hypocritical virtues. These are the things which are ten thousand times more at war with real virtue, these are the things which are ten thousand times more at war with real duty, than any vice known by its name, and distinguished by its proper character.

"Far, far from us, be that false and affected candor that is eternally in treaty with crime,—that half-virtue which, like the ambiguous animal that flies about in the twilight of a Compromise between day and night, is to a just man's eye an odious and disgusting thing. There is no middle point, my Lords, in which the Commons of Great Britain can meet tyranny and oppression."

But sir, if I could overcome my repugnance to Compromise in general, I should object to this one, on the ground of the inequality and incongruity of the interests to be compromised. Why, sir, according to the views I have submitted, California ought to come in, and must come in, whether slavery stands or falls in the District of Columbia,—whether it stands or falls in New Mexico and Eastern California,—and even whether slavery stands or falls in the slave States. California ought to come in, and must come in at all events. It is an independent question. What then are these questions arising out of slavery thus interposed but collateral questions? They are unnecessary and incongruous, and therefore false issues, if not introduced designedly indeed to defeat that great policy, yet unavoidably tending to that end.

But consent on my part to the compromise would be disingenuous and fraudulent. It is now avowed by the honorable Senator from South Carolina, (Mr. CALHOUN,) that nothing will satisfy the slave States but a compromise that will convince them that they can remain in the Union consistently with their honor and their safety. And what are the concessions that will have that effect? Here they are in the words of that Senator:

"The North must do justice by conceding to the South an equal right in the acquired



territory, and do her duty by causing the stipulations relative to fugitive slaves to be faithfully fulfilled; cease the agitation of the slave question, and provide for the insertion of a provision in the Constitution, by an amendment, that will restore to the South, in substance, the power she possessed of protecting herself before the equilibrium between the sections was destroyed by the action of the Government."

These terms amount to this—that the Free States, having already, or although they may have majorities of population and majorities in both Houses of Congress, shall concede to the Slave States, being in a minority in both, the unequal advantage of an equality—that is, that we shall alter the Constitution so as to convert the Government from a National Democracy, controlled by a constitutional majority of voices, into a Federal Alliance in which the minority shall have a vote against the majority! and, thus to return to the original articles of confederation!

I will not stop to protest against the injustice and inexpediency of an innovation which if it were practicable would be so entirely subversive of the principle of Democratic institutions. It is enough to say that it is totally impracticable. The free states, Northern and Western, have acquiesced in the long and nearly unbroken ascendancy of the slave states, because the result happened under the constitution. But they have honor and interests to preserve; and there is nothing in the nature or in the character of the people to induce an expectation that they, loyal as they are, are insensible to the duty of defending them.

But the scheme would still be impracticable, if even this difficulty were overcome. What is proposed is a political equilibrium. Every political equilibrium requires a physical equilibrium to rest upon it, and is valueless without it. To constitute a physical equilibrium between the slave States and the free States—an *equilibrium between the free States and the slave States* requires first an equality of territory, or some near approximation, and this is already lost. But it requires much more than this; it requires an equality or a proximate equality in the number of slaves and freemen, and this must be perpetual.

But the census of 1840 gives a slave basis of only two millions and a half; and a free basis of fourteen millions and a half. The population on the slave basis increases in the ratio of 25 cent. for ten years; while that on the free basis advances at the rate of 38 per cent. This accelerating movement of the free population now complained of, will occupy the new territories with pioneers, and every day increase the difficulty of forcing or insinuating slavery into regions which freemen have pre-occupied. And if this were possible, the African slave trade is prohibited, and the domestic increase is not sufficient to supply the new slave States which are expected to maintain the equilibrium.

The theory of a new political equilibrium claims that it once existed and has been lost. When lost, and how? It began to be lost in 1787, when preliminary arrangements were made to admit five new States in the Northwest Territory, two years before the constitution was finally adopted—that is, it began to be lost two years before it began to exist!

Sir, the equilibrium if restored would be lost more rapidly than it was before. The progress of the free population is to be accelerated by emigration from Europe and Asia, while that of the slaves is to be checked and retarded by inevitable partial emancipation. Nothing, says MONTESQUE, reduces a man so low as always to see freemen and yet not be free. Persons in that condition are natural enemies of the State, and their numbers would be dangerous if increased too high. Sir, the fugitive slave colonies, and emancipated slave colonies in the free States, in Canada and in Liberia, are the best guarantees South Carolina can have for the perpetuity of slavery.

Nor would success attend any of the details of the compromise. And first, I advert to the amendment of the law concerning fugitives from service or labor. The constitution contains only a compact, which rests for its execution on the States. Not content with this, the slave States induced legislation by Congress, and the Supreme Court of the United States have virtually decided that the whole subject is within the province of Congress and exclusive of State authority. Nay, they have decided that slaves are to be regarded not merely as persons to be claimed, but as property and chattels, to be seized without any legal authority or claim whatever.

The compact is thus subverted by the procurement of the slave States; with what reason then can they expect the States *ex gratia* to re-assume the obligations from which they caused those States to be discharged? I say, then, to the slave States, you are entitled to no more stringent law, and such an one would be useless. The cause of the insufficiency of the present statute is not at all the leniency of its provisions. It is a law that deprives the alleged refugee from a legal obligation not assumed by him, but imposed upon him by laws enacted before he was born—of the writ of *habeas corpus*, and of any certain judicial process of examination of the claim set up by his pursuer, and finally degrades him into a chattel, which may be seized and carried away peaceably, wherever found, even although exercising the rights and responsibilities of a free citizen of the commonwealth in which he resides, and of the U. S.—a law which denies to the citizen all the safeguards of personal liberty, to render less possible the escape of the bond-man.

We deem its principle, therefore, unjust, unconstitutional and immoral; and thus while patriotism withholds its approbation, and the conscience of our people condemns it, you will say that these convictions of ours are disloyal. Grant it, for argument sake—they are nevertheless honest. And the law is to be executed among us, not among you; not by us, but by the Federal authority. Has any Government ever succeeded in changing the moral convictions of its subjects by force? But these convictions imply no disloyalty. We revere the Constitution, although we perceive this defect, just as we acknowledge the splendor, and the power of the sun, although its surface is tarnished with, here and there, an opaque spot.

Your constitution and law converts hospitality to the refugee from the most degrading oppression on earth into a crime. But all mankind, except you, esteem that hospitality a virtue. The right of extradition of even fugitives from justice, is not admitted by the Law of Nature and of Nations, but rests on voluntary compact.

Only two compacts found in diplomatic history, admitted *extradition of slaves*. Here is one of them. It is found in a Treaty made between ALEXANDER COMMENUS, the Greek Emperor of Constantinople, and OLEY, 2d King of Russia, in the year 903, and in these words:

"If a Russian slave take to flight from his master, or if he shall be held under pretence of having been bought, his master may pursue him and take him wherever he may be found; and whosoever shall prevent his master from taking him shall be guilty of offending against this treaty, and shall be punished accordingly."

This was in the Year of Grace 902, in what is called the Dark Ages, and the contracting powers were despotisms.

And here is the other.

"No person held to service or labor in one State under the laws thereof, escaping into another, shall in consequence of any laws or regulations therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor is due."

This is from the constitution of the United States, in 1787, and the parties were the republican States of this Union.

The Law of Nations disavows such compacts;—the Law of Nature, written on the hearts and consciences of freemen, repudiates them. Armed power could not enforce them, because there is no public conscience to sustain them. I know that there are laws of various sorts that regulate the conduct of men. There are Constitutions and Statutes, codes mercantile and codes civil; but when we are legislating for States, all these laws must be brought to the standard of the Laws of God, and must be tried by that standard, and stand or fall by it. It is of this principle, that an eminent political Philosopher of England, BURKE, said:

"There is but one law for all—namely, that Law which governs all laws—the law of our Creator,—the law of humanity, justice, equity,—the law of Nature and of Nations. So far as any laws fortify this Primeval Law, and give it more precision, more energy, more effect by their declarations, such laws enter into the sanctuary and participate in the sacredness of its character. But the man who quotes as precedents, the abuses of tyrants and robbers, pollutes the very fountains of justice, destroys the foundations of all law, and therefore removes the only safeguard against evil men, whether Governors or governed, the guard which prevent Governors from becoming Tyrants, and the governed from becoming Rebels."

There was deep philosophy in the confession of an eminent English judge. When he had condemned a young woman to death under the late sanguinary code of his country, for her first petty theft, she fell dead at his feet. "I seem to myself," said he, "to have been pronouncing sentence not against the prisoner, but against the law itself."

To conclude this point, we are not slave holders; we cannot in our judgement be either true Christians or real freemen, if we impose on another a chain that we deny all human power to fasten on ourselves. You believe and think otherwise, and doubtless with equal sincerity. We judge you not,—and He alone who ordained the conscience of man and its laws of action can judge us. Do we then in this conflict demand of you an unreasonable thing in asking that, since you will have property that can and will exercise human power to effect its escape, you shall be your own Police, and in action among us, as such, you shall conform to principles, indispensable to the security of admitted Rights of Freemen?

Another feature in most of the Plans of Compromise, is a Bill of Peace for Slavery in the District of Columbia, and this Bill of Peace we cannot grant. We of the free States are equally with you of the slave States, responsible for the existence of slavery in this District, the field exclusively of our common legislation. I regret that as yet I see little reason to hope that a majority in favor of emancipation exists here. The Legislature of New York, from whom with great deference I dissent, seems willing to accept now the extinction of the slave trade, and wisely emancipation.



But we shall assume the whole responsibility if we stipulate not to exercise the power hereafter, when a majority shall be obtained. Nor will the plea with which you would furnish us be of any avail. If I could understand myself, I should never be able to explain to the direct understanding of the people whom I represent, how it was that an absolute and express power to legislate in all cases over the District of Columbia, was embarrassed and defeated by an implied condition not to legislate for the abolition of slavery in that District. Sir, I should vote for that measure, and am willing to appropriate any means to carry it into execution. And if I shall be asked what I did to embellish the capital of my country, I will point to the freed-men, and say—these are the monuments of my munificence!

If I was willing to advance a cause that I deem sacred, by disingenuous means, I would advise you to adopt these measures of compromise which I have thus examined. The echo is not quicker in its response than would be that loud and unanimous cry of *Repeal*, that would die away until the *Habeas Corpus* was secured to the alleged fugitive from bondage and the symmetry of the Free Institutions of the Capital was perfected.

I apply the same observations to the proposition for a waiver of the proviso of freedom in territorial characters. Thus far you have only direct popular action in favor of that ordinance, and there seems even to be a partial disposition to await the action of the people of the new territories, as we have compulsorily waited for it in California. But I must tell you, nevertheless, in candor and in plainness, that the spirit of the people in the free States is set upon a spring and rises with the pressure put upon it. That spring if pressed too hard, will give a recoil that will not leave here one servant who knew his master's will and did it not. You will say that this implies violence. Not at all;—it implies only peaceful, lawful constitutional, customary action. I cannot too strongly express my surprise that those who insist that the people of slave States cannot be held back from remedies outside of the Constitution, should so far misunderstand us of the free States as to suppose we would not exercise our constitutional rights to sustain the policy which we deem just and beneficent.

I object in the next place to the compromise of the Boundary between Texas and New Mexico. That is a judicial question in its nature, or at least a question of legal right and title. If it is to be compromised at all, it is due to the two parties, to national dignity as well as to justice that it be kept separate from compromise proceeding on the ground of expediency, and be settled by itself alone.

I take this occasion to say that I do not intend to discuss the question which has been raised by the honorable and distinguished Senator from Massachusetts, (Mr. Webster) but I am compelled to say that I have not the good fortune to concur with him in the opinions which he has expressed in regard to the admission of new States to be formed out of the State of Texas. There are various questions involved in that subject, which I think this is not the time to decide, and which I wish to reserve for further consideration. One is, whether the article of annexation does really deprive Congress of the right to express its opinion and exercise its voice in regard to the sub-division of the State of Texas. I only say that to me it seems by no means so plain a question as the Senator assumes, and therefore with me it must remain a question for future consideration—an open question, whether Congress is not a party, whose future consent is necessary to any division of Texas.

MR. WEBSTER—Will the Senator allow me to ask him one question?

MR. SEWARD—Certainly, sir.

MR. WEBSTER—Supposing Congress to have the authority to fix the number of States and the time of the election, the appointment of representatives, &c., the question is whether if new States are formed out of Texas to come into this Union, there is not a solemn pledge by law that they have a right to come in as Slave States?

MR. SEWARD—The article is in effect in these words:—

“New States not exceeding four in number may be framed out of the territory of Texas with the consent of Texas, and shall be admitted into the Union, with or without slavery, as they shall choose.”

MR. WEBSTER—If they “choose” they may come in as slave States.

MR. SEWARD—I beg pardon of the Hon. senator, but it is with or *without* slavery. But I pass the question, as the volume is not at hand, and I fear I shall trespass on the time of the Senate by waiting for it. I am moreover not unconstitutional. I find no authority in the Constitution of the United States for the annexation of foreign States, by resolution. What I mean now especially to insist upon is, that I must have time to deliberate until the occasion actually arrives, before I consent to any division of the State of Texas, so as to bring in any new State with a Constitution maintaining slavery. I must have the point settled that the article of annexation is compulsory upon me, and also that it is constitutional.

MR. FOOTE—Did I not rightly understand the senator to say that he would have voted to admit California as a slave State, if she had voluntarily inserted such a provision in her Constitution?



Mr. SEWARD—Yes, sir; under these extraordinary circumstances of conquest, of a compact of abandonment, of impossibility to give a territorial government, of a Constitution adopted by the people, and of dismemberment of the empire if she was rejected—under these circumstances I would have received California, though she had come, to my profound regret, as a slave State. I am happy now, Mr. President, to understand that I agree with the honorable member from Massachusetts, that it is not compulsory upon Congress hereafter to admit four new slave States in Texas; that they have reserved the right to decide whether any new State shall be formed there. I shall vote for admitting no more slave States, unless under circumstances absolutely controlling and compulsory, and which cannot now be foreseen.

Mr. WEBSTER—The senator does not understand me. My proposition was that States hereafter made out of Texas, with her consent, if they choose to come in as slave States have a right to do so.

Mr. SEWARD—My position is that they have not a right to come in, if Congress shall refuse its consent. It is optional with both parties, Congress and Texas.

Mr. WEBSTER—Does the senator hold that we may hereafter decide whether they shall be slave States or free States?

Mr. SEWARD—No, sir; but that Congress may decide that there shall be no States at all framed out of Texas.

Another objection arises out of the principle on which the compromise rests. That principle is a classification of the States as Northern and Southern States, as it is expressed by the Hon. senator from South Carolina (Mr. Calhoun), but into Slave States and Free States, as more directly expressed by the Hon. senator from Georgia, (Mr. Berrien). The argument is that the States are severally equal, and that these two classes were equal at the first, and that the Constitution was formed on that equilibrium; that the States being equal, and the classes of the States being equal in rights, they are to be regarded as constituting an association, in which each State and each of these classes of States respectively contribute in due proportion;—that the new territories are a common acquisition, and the people of these several States and classes of States have an equal right to participate in them respectively;—that the right of the people of the slave States to emigrate to the territories with their slaves as property, is such a participation on their part, inasmuch as the people of the free States emigrate into the same territories with their property. And the argument deduces from this right the principle that if Congress exclude slavery from any part of this new domain, it would be only just to set off a portion of the domain (some say south of 36 deg. 30 min., others south of 34 deg.), which should be regarded at least as open to slavery, and to be organized into slave States.

Argument ingenious and subtle, declaration earnest, and bold, and persuasive, gentle and winning as the turtle-dove when it is heard in the land, all alike and all together have failed to convince me of the soundness of this principle of the proposed compromise, or of any one of the propositions on which it is attempted to be established. How is the original equality of the States found? It rests on a syllogism of Vattel as follows: "All men are equal by the law of Nature and of Nations. But States are only lawful aggregations of individual men, who individually are equal, therefore States are equal in natural rights."

All this is just and sound. But assuming the same premises, to wit, that all men are equal by the law of nature and of nations, the right of property in slaves falls to the ground, for one who is equal to another cannot be the owner or property of that other. But you answer that the Constitution recognizes property in slaves. It would be sufficient then to reply, that this constitutional recognition must be void, because it is repugnant to the law of nature and of nations. But I deny that the Constitution recognizes property in man. I submit, on the other hand, most respectfully, that the Constitution not merely does not affirm that principle, but on the contrary, altogether excludes it. The Constitution does not expressly affirm anything on the subject. All that it contains is two incidental allusions to slaves. These are, first, in the provision establishing a ratio of representation and taxation; second, in the provision relating to fugitives from labor. In both cases the Constitution designedly mentions slaves, not as slaves, much less as chattels, but as persons. That this recognition of them as persons was designed, is historically known, and I think never denied. I give only two of the manifold proofs.

John Jay, in the *Federalist*, says:

"Let the case of the slaves be considered as it is in truth, a peculiar one. Let the compromising expedient of the Constitution be mutually adopted which regards them, as *inhabitants*, but as debased below the equal level of free inhabitants, which regards the slave as divested of two-fifths of the man."

Yes, sir, of two-fifths, but of *only* two-fifths, leaving him still an inhabitant, a living, breathing, moving, reasoning, immortal man.

The other proof is from the debates in the Convention. It is brief, and, I think, instructive:

"AUGUST 28, 1787.

"Mr. BUTLER and Mr. PINCKNEY moved to require fugitive slaves and servants to be delivered up like convicts.

"Mr. WILSON. This would oblige the Executive of the State to do it at public expense.

"Mr. SHERMAN saw no more propriety in the public seizing and surrendering a slave or a servant than a horse.

"Mr. BUTLER withdrew his proposition, in order that some particular provision might be made apart from this article.

"AUGUST 29.

"Mr. BUTLER moved to insert after article 15—'If any person bound to service or labor in any of the United States, shall escape into another State, he or she shall not be discharged from such service or labor in consequence of any regulations subsisting in the State to which they may escape, but shall be delivered up to the person justly claiming their service or labor.'

*After the engrossment, Sept. 15.*

"Article IV. Sec. 2.—In the 3d paragraph, the term 'legally' was struck out, and the words 'under the laws thereof' inserted after the word 'State,' in compliance with the wishes of some who thought the term 'legal' equivocal, and favoring the idea that slavery was legal in a moral view."

I deem it established then, that the Constitution does not recognize property in men, but leaves that question as between the States, to the law of nature and of nations. That law, as expounded by Vattel, is founded in the reason of things. When God had created the earth, with its wonderful adaptations, he gave dominion over it to man—absolute human dominion. The title thus bestowed would have been incomplete, if the lord of all terrestrial things could himself have been the property of his fellow-man. The right to have a slave implies the right in some one to make the slave. That right must be equal and mutual, and that would resolve society into a state of perpetual war. But if we grant the original equality of the States, and grant also the constitutional recognition of slaves as property, still the argument we are considering fails, because the States were not parties to the Constitution as States. It is the Constitution of the *people of the United States*. But even if the States continued as States, they surrendered their equality as States, and submitted themselves to the sway of the numerical majority, with qualifications or checks; first, of the representation of three-fifths of slaves in the ratio of representation and taxation, and secondly, of the equal representation of States in the Senate.

The proposition of an established classification of States as Slave States and Free States, as asserted by some, and into Northern and Southern as asserted by others, seems to me purely imaginary, and of course the supposed equilibrium of those classes a mere conceit. This must be so, because when the Constitution was adopted, twelve of the thirteen States were slave States, and so there was no equilibrium. And so as to the classification of States as Northern States and Southern States. It is the maintenance of slavery by law in a State, not parallels of latitude that makes it a southern State, and the absence of this that makes it a northern State. And so, all the States, save one, were southern States, and there was no equilibrium. But the Constitution was made not only for southern and northern States, but for States neither one nor the other—but western States. Their coming in was foreseen and provided for.

It needs little argument to show that the idea of a joint-stock association, or a copartnership as applicable—even by its analogies to the United States—is erroneous, with all the consequences fancifully deduced from it. The United States are a political State, or organized society, whose end is government for the security, welfare and happiness of all who live under its protection. The theory I am combating reduces the objects of government to the mere spoils of conquest. On the contrary of a theory so debasing, the preamble of the Constitution not only asserts the sovereignty to be not in the States but in the people, but also promulgates the objects of the Constitution.

"We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defense, promote the general welfare and secure the blessings of liberty, do ordain and establish this Constitution."

Objects sublime and benevolent! They exclude the very idea of conquests to be either divided among States or even enjoyed by them for the purpose of securing, not the blessings of liberty, but the evils of slavery.

There is a novelty in the principle of this compromise, which condemns it. Simultaneously with the establishment of the Constitution, Virginia ceded her domain, which then extended to the Mississippi, and was even claimed to extend to the Pacific. Congress accepted and unanimously devoted the domain to freedom, in the language from



which this ordinance, now so severely condemned, was borrowed. Five States have already been organized on this domain, from all of which, in pursuance of that ordinance, slavery is excluded. How did it happen that this theory of the equality of the States, of the classification of the States, of the equilibrium of the States, of the title of the States to the common enjoyment of the domain, or to an equitable and just partition between them, was never promulgated, nor even dreamed of by the slave States, who unanimously consented to this ordinance?

There is another aspect of the principle of compromise which deserves our consideration. It assumes that slavery, if not the only institution in a slave State, is at least a ruling institution, and that this characteristic was recognized by the Constitution. But slavery is only *one* of many institutions there. Freedom is equally an institution there. Slavery is only a temporary, accidental, partial and incongruous one. Freedom, on the contrary, is a perpetual, organic, universal one, in harmony with the Constitution of the United States. The slaveholder himself stands under the protection of the latter, in common with all the free citizens of the State.

But the principle of this compromise gives complete ascendancy in the slave States and in the Constitution of the United States, to the subordinate, accidental and incongruous institution over its antagonist. To reduce this claim for slavery to an absurdity, it is only necessary to add, that there are only two States in which slaves are a majority, and not one in which the slaveholders are not a very disproportionate minority.

But there is yet another aspect in which this principle must be examined. It regards the domain only as a possession to be enjoyed either in common, or by partition, by the citizens of the old States. It is true, indeed, that the national domain is ours; true, that it was acquired by the prowess and wealth of the whole nation; but we hold, nevertheless, no arbitrary power over it. We hold no arbitrary authority over anything, whether acquired lawfully, or by usurpation. The Constitution regulates our stewardship. The Constitution devotes the domain to union, to justice, to defense, to welfare and liberty. But there is a higher law than the Constitution which regulates our authority over the domain, and devotes it to the same noble purposes. The territory is a part—no inconsiderable part—of the common heritage of mankind, bestowed upon them by the Creator of the Universe. We are his stewards, and must so discharge our trust as to secure, in the highest attainable degree, their happiness. How momentous that trust is, we may learn from the instructions of the founder of modern philosophy.

“No man can, by care-taking,” as the Scriptures saith, “add a cubit to his stature, in this little model of man’s body; but, in the great frame of kingdoms and commonwealths, it is in the power of princes or estates to add amplitude and greatness to their kingdoms; for by introducing such ordinances, constitutions and customs as are wise, they may sow greatness to their posterity and successors. But these things are commonly not observed, but left to take their chance.”

We are an estate, and are deliberating for the commonwealth, just as our fathers deliberated in establishing the institutions we enjoy. Whatever superiority there is in our condition and hopes over those of any other kingdom, our “estate” is due to the fortunate circumstance, that our ancestors did not leave things to take their chance, but that they added amplitude and greatness to our commonwealth, by introducing such ordinances, constitutions and customs as were wise.

We, in our time, have succeeded to the same responsibilities, and we cannot approach the duty before us, wisely or justly, except we raise ourselves to the great consideration of how we can most certainly sow greatness to our posterity and successors. And now the simple, bold, and awful question which presents itself to us is this: shall we, who are founding institutions, social and political, for countless millions—shall we, who know by experience the wise and the just, and are free to choose them, and reject the erroneous and the unjust—shall we establish human bondage, or permit it by our sufferance to be established? Sir, our fathers would not have hesitated an hour. They found slavery existing here, and they left it only because they could not remove it. There is not only no free State which would now establish it, but there is no slave State which, if it had the free alternative, as we now have, would have founded slavery.

Indeed, our revolutionary predecessors had precisely the same question before them in establishing an organic law under which the States of Ohio, Michigan, Illinois, Wisconsin and Iowa, have since come into the Union. And they solemnly repudiated and excluded slavery from those States forever. I confess that the most alarming evidence of our degeneracy, which has yet been given, is found in the fact that we even debate such a question.

Sir, there is no Christian nation that, free to choose as we are, would establish slavery. I speak on due consideration, because Great Britain, France and Mexico have abolished slavery, and all other European States are preparing to abolish it as rapidly as they can.

We cannot establish slavery, because there are certain elements of the security,

welfare and greatness of nations, which we all admit, or ought to admit, and recognize as essential; and these are: The security of natural rights, the diffusion of knowledge, and the freedom of industry. Slavery is incompatible with all of these, and just in proportion to the extent that it prevails and controls in any republican State, just to that extent it subverts the principles of democracy, and converts the State into an aristocracy or a despotism. I will not offend sensibilities by drawing my proof from the slave States existing among ourselves; but I will draw them from the greatest of the European slave States. The population of Russia in Europe, in 1844, was 54,251,000. Of these were serfs 53,500,000. The residue, nobles, clergy, merchants, &c., 751,000. The Imperial Government abandons the control over the fifty-three and a half millions to their owners, and the residue, included in the 751,000, are thus a privileged class or aristocracy. If ever the government interferes at all with the serfs, who are the only laboring population, it is by edicts, designed to abridge their opportunities of education, and thus continue their debasement. What was the origin of this system? Conquest—in which the captivity of the conquered was made perpetual and hereditary.

This, it seems to me, is identical with American slavery, only at one and the same time exaggerated by the greater disproportion between the privileged slaves and the slaves in their respective numbers, and yet relieved of the unhappiest feature of American slavery—the distinction of castes. What but this renders Russia at once the most arbitrary despotism, and the most barbarous State in Europe? And what is its effect but industry comparatively profitless, and sedition, not occasional and partial, but chronic and pervading the empire. With Massachusetts and Ohio among us, shall we pass by their free and beneficent examples, and select our institutions from the dominions of the Czar?

I cannot stop to dilate long with those who maintain that slavery is in itself practically economical and humane. I might be content with saying that there are some axioms in political science that a statesman, or a founder of States, may adopt, especially in the Congress of the United States, and that among the axioms are these:

“That all men are created equal, and have inalienable rights of life, liberty, and the choice of pursuits of happiness;—

“That knowledge promotes virtue, and righteousness exalteth a nation;—

“That freedom is preferable to slavery, and that democratic governments, when they can be maintained by acquiescence without force, are preferable to institutions exercising arbitrary and irresponsible power.”

It remains only to say on this part of the subject, that slavery being incongruous and repugnant, is dangerous to the State. The conservative principle of the State, is the security of the voluntary acquiescence of the people. That acquiescence is obtained by universal suffrage, which demands, of course, equality of knowledge and property, as far as that is practically attainable without injustice or oppression. This argument is sustained by our own experience. There is no danger menacing the Union, there never has been any that would have menaced it had slavery had no shelter beneath its protection. If slavery, confined as it now is, threatens the subversion of the Constitution, how can we enlarge its boundaries and increase its influence, without increasing the danger already existing?

Whether then I regard merely the welfare of the future inhabitants of the new territories, or the security and welfare of the whole people of the United States, or the welfare of the whole family of mankind, I cannot consent to introduce slavery into any part of this continent which is now exempt from what seems to me to be so great an evil.

These are my reasons for declining to compromise the questions relating to slavery as a condition of the admission of California.

In acting upon an occasion so grave, a respectful consideration is due to the arguments founded on extraneous considerations, of senators who counsel a course different from that which I have preferred.

The first of these arguments is, that Congress has no power to legislate on the subject of slavery within the territories. Sir, Congress has power to admit new States; and since Congress may admit, it follows that Congress may reject new States. The discretion of Congress in admitting is absolute, except that when admitted, the State must be a republican State, and must be a *State*—that is, it shall have the constitutional powers of a State. But the greater includes the less; we may impose conditions not inconsistent with those fundamental powers. Boundaries are such; the reservation of the public domain is such; the right to divide is such; the ordinance excluding slavery is such a condition. The organization of a territory is auxiliary or preliminary. It is the inchoate, initiative act of admission, and is performed under the clause granting the power necessary to execute the express powers of the Constitution. This power comes from the treaty-making power also; and I think it is well traced to the power to make needful rules and regulations concerning the public domain. But the



power is here to be exercised, however derived; and the right to regulate property, to administer justice in regard to property, is assumed in every territorial charter. If we have power to legislate concerning property, we have concerning personal rights. Freedom is a personal right. The Constitution does not sanction property in man, and Congress being the Supreme Legislature, has the same right in regard to property and rights in territories that the States would have if organized.

It is insisted further, that the inhibition is unnecessary. And here I have to regret the loss of able and distinguished senators who go with us for the admission of California. Especially do I regret the separation from us of the able and distinguished senator from Missouri [Mr. Benton]. When that senator announced that he should not sustain the Proviso of Freedom, I was induced to exclaim—

*Cur in theatrum, Cato severe venisti,  
An ideo tantum veneras ut exires?*

But that distinguished senator is crowning a life of eminent public service, by bringing the first State of the Pacific into the Union; and grateful to him for that, I freely leave to him to determine for himself what weight he will give to the cause of human freedom in his action on so grave an occasion.

The argument is, that the Proviso is unnecessary. I answer, then there can be no error in insisting upon it. But why is it unnecessary? It is said, first, by reason of the climate. If this be so, why do not the representatives of the slave States yield the Proviso? They deny that climate prevents the introduction of slavery. Now I will leave nothing to a contingency. But in truth I think the argument is against the proposition. Is there any climate where slavery has not existed? It has prevailed all over Europe, from sunny Italy to bleak England, and is existing now, stronger than in any other land, in ice-bound Russia.

But it will be replied that this is not African slavery. I rejoins, that only makes the case the stronger. If this vigorous Saxon race of ours was reduced to slavery while it retained the courage of semi-barbarism, in its own high northern latitude, what security does climate afford against the transplantation of the more gentle, more docile, and already enslaved and debased African, to the genial clime of New Mexico and Eastern California? Sir, there is no climate uncongenial to slavery. It is true it is less productive than free labor in many northern countries; but so it is less productive than free white labor in even tropical climates. Labor is in quick demand in all new countries—slave labor is cheaper than free labor, and will go first into new regions; and wherever it goes it brings labor into dishonor, and therefore free white labor avoids competition with it. Sir, I might rely on climate, if I had not been born in a land where slavery existed; and that land was all north of the fortieth parallel of latitude—and if I did not know the struggle that it has cost, and which is yet going on to get complete relief from the institution and its baneful consequences.

But, sir, it is said that slavery is prevented by the laws of God from entering into the territory from which we propose to inhibit it. I will look into that matter a little more closely. I wish then, with the utmost respect, to ask senators whether the ordinance of 1787 was necessary or not? That ordinance has been the subject of too many eulogiums to be now pronounced a vague and idle thing. That ordinance carried the prohibition of slavery quite up to the 49th degree of north latitude, and yet we are now told that we can trust the laws of God without any ordinance to exclude slavery as far down as 36 deg. and 30 min. Unfortunately, too, the ordinance of 1787 began on the 37th parallel of north latitude, so that there is no part of the territory which it covered, in which slavery, according to the present theory, was not excluded by the law of God. I know no better authority as to the laws of God on this subject than one from whom I have already had occasion to quote with some freedom; and it is the opinion of Montesquieu that it is only the indolence of mankind, and not the climate, which causes the introduction of slavery anywhere. There is no climate where slavery is necessary; there is none where it cannot be established, if the customs and laws permit.

I shall dwell only very briefly on the argument derived from the Mexican laws. The proposition that those laws must remain in force until altered by laws of our own is satisfactory; and so is the proposition that those Mexican laws abolished and continue to prohibit slavery; and still I deem an enactment by ourselves wise and even necessary.

Both of the propositions I have stated are denied with as much confidence by Southern statesmen and jurists as they are affirmed by those of the free States. The population of the new territories is rapidly becoming an American one, to whom the Mexican code will seem a foreign one, entitled to little deference or obedience. Slavery has never obtained anywhere by express legislative authority, but always by trampling down laws higher than any mere municipal laws—the law of nature and of nations.

There can be no oppression in superadding the sanction of Congress, to the authority which is so weak and so vehemently questioned. And there is some possibility, if not a probability, that the institution might obtain a foothold surreptitiously, if it should not be absolutely forbidden by our own authority.

What is insisted upon, therefore, is not a mere abstraction or a mere sentiment, as is contended by those who concur with us as to admitting California, but would waive the proviso. And what is conclusive on the subject, is that it is conceded on all hands that the effect of insisting on it prevents the extension of Slavery into the region to which it is proposed to apply it.

Again, it is insisted that the diffusion of Slavery does not increase its evils. The argument seems to me merely specious and quite unsound.

And this brings me to the great and all-absorbing argument that the Union is in danger of being dissolved, and that it can only be saved by compromise.

I do not overlook the fact that the entire Delegation from the Slave States, although they differ in the details of compromise proposed, and perhaps also upon the exact circumstances of the crisis, seem to concur in this momentous warning. Nor do I doubt at all the patriotic devotion to the Union which is expressed by those from whom this warning proceeds. And yet, sir, although these warnings have been uttered with impassioned solemnity in my hearing, every day, for near three months, my confidence in the Union remains unshaken. I think they are to be received with no inconsiderable distrust, because they are uttered under the influence of a controlling interest to be secured, a paramount object to be gained—and that is an equilibrium of power in the republic. I think they are to be received with even more distrust, because with the most profound respect they are uttered under an obviously high excitement; nor is that excitement an unnatural one. It is a law of our nature that the passions disturb the reason and judgment, just in proportion to the importance of the occasion, and the consequent necessity for calmness and candor. I think they are to be distrusted, because there is a diversity of opinion in regard to the nature and operation of this excitement. The senators from some States say that it has brought all parties in that region into unanimity. The senator from Kentucky says that the danger lies in the violence of party spirit, and refers us to the difficulties which attended the organization of the House of Representatives.

Sir, in my humble judgment, it is not the fierce conflict of parties that we are seeing and hearing, but, on the contrary, it is the agony of distracted parties—a conclusion resulting from the too narrow foundations of both and of all parties, foundations laid in compromises of natural justice and of human liberty. A question—a moral question—transcending the too narrow creeds of parties, has arisen. The public conscience expands with it, and the green withes of party associations give way, and break and fall off from it. No, sir, it is not the State that is dying of the fever of party spirit. It is merely a paralysis of parties, premonitory of their restoration with the new elements of health and vigor imbibed from that spirit of the age which is so justly called Progress.

Nor is the evil that of unlicensed, irregular and turbulent faction. We are told that twenty legislatures are in session, burning like furnaces, heating and inflaming the popular passions. But these twenty legislatures are constitutional furnaces. They are performing their customary functions, imparting healthful heat and vitality while within their constitutional jurisdiction. If they rage beyond its limits, the popular passions of this country are not at all, I think, in danger of being inflamed to excess. No, sir, let none of those fires be extinguished. Forever let them burn and blaze. They are neither ominous meteors nor baleful comets, but planets; and bright and intense as their heat may be, it is their native temperature, and they must still obey the law which by attraction towards the center holds them in their spheres.

I see nothing of that conflict between the Southern and Northern States, or between their representative bodies, which seems to be on all sides of me assumed. Not a word of menace, not a word of anger, not an intemperate word has been uttered in any Northern legislature. They firmly but calmly assert their convictions, but at the same time they assert their unqualified purpose to submit to their common arbiter, and for weal or woe abide the fortunes of the Union.

What if there be less of moderation in the legislatures of the South? It only indicates on which side the balance is inclining, and that the decision of the question is near at hand. I agree with those who say that there can be no peaceful dissolution—no dissolution of the Union by the secession of States; but that disunion, dissolution, happen when it may, will and must be Revolution! I discover no omens of revolution. The predictions of the political astrologers do not agree as to the time or manner in which it is to occur. The honorable senator from Alabama (Mr. Clemens), says the event has already happened, and the Union is now in ruins. According to the horoscope of the honorable senator from Mississippi (Mr. Foote), it was to take place on a day already past. According to the honorable and distinguished senator from South Carolina (Mr. Calhoun), it is not to be immediate, but to be developed by time.



[Mr. FOOTE here interposed and disavowed the construction which had been put upon his remarks, and made further explanations.]

MR. SEWARD.—I am very happy to have given the senator an opportunity to correct the erroneous impression, which the remark I have referred to has made. Now the honorable senator will do me the justice to allow that I am at liberty to subtract one prediction from the political almanac, and so the predictions lose so much of importance.

I see no omens of revolution. What are the omens to which our attention is directed? I see nothing but a broad difference of opinion here, and the excitement consequent upon it.

I have observed that revolutions which begin in the palace seldom go beyond the palace walls, and they affect only the dynasty which reigns there. This revolution, if I understand it, began here in the Senate a year ago, when the representatives from the Southern States assembled here and addressed their constituents on what was called the aggressions of the Northern States. No revolution was designed at that time, and all that has happened since is the return to Congress of legislative resolutions, which seem to me to be conventional responses to the address which emanated from the Capital.

Sir, in any condition of society, there can be no revolution without a cause—an adequate cause. What cause exists here? We are admitting a new State; but there is nothing new in that—we have already admitted seventeen before. But it is said that the slave States are in danger of losing political power by the admission of the new State. Well, sir, is there anything new in that? The slave States have always been losing political power, and they always will be while they have any to lose. At first twelve of the thirteen States were slave States. Now, only fifteen out of the thirty are slave States. Moreover, the change is constitutionally made, and the Government was constructed so as to permit changes of the balance of power, in obedience to the changes of the forces of the body politic. *Danton* used to say, "It is all well while the people cry *DANTON* and *ROBESPIERRE*, but woe for me if ever the people learn to say *ROBESPIERRE* and *DANTON*!" That is all of it, sir. The people have been accustomed to say—the South and the North. They are only beginning now to say—the North and the South. Sir, those who would alarm us with the terrors of revolution, have not well considered the structure of this Government and the organization of its forces. It is a democracy of property and persons, with a fair approximation toward universal education, and operating by means of universal suffrage. The constituent members of this democracy are the only persons who could subvert it; and they are not the citizens of a metropolis like Paris, or of a region subjected to the influences of a metropolis, like France, but they are husbandmen, dispersed over this broad land, on the mountain and on the plain, and on the prairie, from the ocean to the Rocky Mountains, and from the Great Lakes to the Gulf. And this people are now, while we are discussing their imaginary danger, at peace in their happy homes, and as unconcerned and even as uninformed of their peril as they are of events occurring in the moon. Nor have the alarmists made due allowance in their calculations for the influence of conservative reaction, strong in any government and irresistible in a rural republic, operating by universal suffrage. That principle of reaction is due to the force of the habits of acquiescence and loyalty among the people. No man better understands this principle than *MACHIAVELLI*, who has told us in regard to factions, that—

"No safe reliance can be placed in the force of nature and the bravery of words, except it be corroborated by custom."

Do the alarmists remember that this government has stood sixty years already without exacting one drop of blood—that this government has stood sixty years, and treason is an obsolete crime? That day, I trust, is far off when the fountains of popular contentment shall be broken up; but whenever it shall come, it will bring forth a higher illustration than has ever yet been given of the excellency of the democratic system. For then it will be seen how calmly, how fairly, how nobly a great people can act in preserving their Constitution, whom "love of country moveth, example teacheth, company comforteth, emulation quickeneth, and glory exalteth."

When the founders of the new republic of the South, come to draw over the face of this empire, along or between its parallels of latitude or longitude, their ominous lines of dismemberment, soon to be broadly and deeply shaded with fraternal blood, they may come to the discovery then, if not before, that the national and even the political connections of the region embraced forbids such a partition—that its possible divisions are not Northern and Southern at all, but Eastern and Western, Atlantic and Pacific, and that nature and commerce have allied indissolubly for weal and woe the seceders and those from whom they are to be separated; that while they would rush into a civil war to restore an imaginary equilibrium between the Northern States and the Southern States, that a new equilibrium had taken its place, in which all these States are on the one side and the boundless West was on the other.

Sir, when the founders of the new republic of the South come to trace these fearful

lines, they will indicate what portions of the continent are to be broken off from their connection with the Atlantic through the St. Lawrence, the Hudson, the Delaware, the Potomac, and the Mississippi: what portion of this people are to be denied the use of the lakes, the railroads and the canals, now constituting common and customary avenues of travel, trade and social intercourse; what families and kindred are to be separated and converted into enemies, and what States are to be the scenes of perpetual border warfare, aggravated by interminable horrors of interminable insurrection. When these portentous lines shall be drawn, they will disclose what portion of this people is to retain the army and the navy, and the flag of so many victories; and on the other hand, what portion of the people is to be subjected to new and ominous imposts, direct taxes and forced loans and conscriptions, to maintain an opposing army and navy, and the new and hateful banner of sedition. Then the projectors of the new republic of the South will meet the question—and they may well prepare now to answer it—"What is all this for? What intolerable wrong, what unfraternal injustice, have rendered these calamities unavoidable? What gain will this unnatural revolution bring to us?" The answer will be—"all this is done to secure the institution of African slavery."

And then, if not before, the question will be discussed—"What is this institution of slavery, that it should cause these unparalleled sacrifices, and these disastrous afflictions?" And this will be the answer—"When the Spaniards, few in number, discovered the Western Indies and the adjacent continental America, they needed labor, to draw forth from its virgin stores some speedy return to the cupidity of the court and the bankers of Madrid. They enslaved the indolent, inoffensive and confiding natives, who perished by thousands, and even by millions, under that new and unnatural bondage. A humane ecclesiastic advised the substitution of Africans reduced to captivity in their native wars, and a pious princess adopted the suggestion, with a dispensation from the Head of the Church, granted on the ground of the prescriptive right of the Christian to enslave the heathen, to effect his conversion. The colonists of North America, innocent in their unconsciousness of wrong, encouraged the slave traffic, and thus the labor of subduing their territory devolved chiefly upon the African race. A happy conjunction brought on an awakening of the conscience of mankind to the injustice of slavery simultaneously with the independence of the colonies. Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, New York, New Jersey, and Pennsylvania, welcomed and embraced the spirit of universal emancipation; renouncing luxury they secured influence and empire. But the States of the South, misled by a new and profitable cultivation, elected to maintain and perpetuate slavery, and thus choosing luxury, they lost power and empire."

When this answer shall be given, it will appear that the question of dissolving the Union is a complex question—that it embraces the fearful issue whether the Union shall stand, and slavery, under the steady, peaceful action of moral, social, and political causes, be removed by gradual voluntary effort, without compensation, or whether the Union shall be dissolved and civil wars ensue, bringing on violent but complete and immediate emancipation. We are now arrived at that stage of our national progress when that crisis can be foreseen, when we must foresee it. It is directly before us. Its shadow is upon us. It darkens the legislative halls, the temples of worship, and the home and the hearth. Every question, political, civil, or ecclesiastical, however foreign to the subject of slavery, brings up slavery as an incident, and the incident supplants the principal question. We hear of nothing but slavery, and can talk of nothing but slavery. And now it seems to me that all our difficulties, embarrassments, and dangers arise not out of unlawful perversions of the question of slavery, as some suppose, but out of the want of moral courage to meet this question of emancipation as we ought. Consequently, we hear on one side demands—absurd, indeed, but yet increasing—for an immediate and unconditional abolition of slavery; as if any power except the people of the slave States could abolish it, and if they could be moved to abolish it by merely sounding the trumpet violently and proclaiming emancipation, while the institution was interwoven with all their social and political interests, constitutions and customs.

On the other hand, our statesmen say that slavery has always existed, and, for aught they know or can do, it always must exist. God permitted it, and He only can indicate the way to remove it, as if the Supreme Creator, after giving us the instructions of His Providence and Revelation for the illumination of our minds and consciences, did not leave us in all human transactions with due invocations of His Holy Spirit to seek out his will and execute it for ourselves.

Here, then, is the point of my separation from both of these parties. I feel assured that slavery will give way, and must give way, to the salutary instructions of economy and to the ripening influence of humanity—that emancipation is inevitable and is near—that it may be hastened or hindered, and that, whether it be peaceful or violent, depends upon the question whether it be hastened or hindered—that all measures which fortify slavery or extend it tend to the consummation of violence,—all that check its extension and abate its strength, tend to its peaceful extirpation. But I will adopt none but



lawful, constitutional and peaceful means to secure even that end, and none such can I or will I forego.

Nor do I know any important or responsible body that proposes to do more than this. No free State claims to extend its legislation into a slave State. None claims that Congress shall usurp power to abolish slavery in the slave States. None claims that any violent, unconstitutional or unlawful measures shall be resorted to. And, on the other hand, if we offer no scheme or plan for the adoption of the slave States, with the assent and coöperation of Congress, it is only because the slave States are unwilling as yet to receive suggestions, or even to entertain the question of emancipation in any State.

But, sir, I will take this occasion to say, that while I cannot agree with the honorable senator from Massachusetts, in proposing to devote eighty millions to remove the free colored population from the slaves, and thus, as it appears to me, fortify slavery, there is no reasonable limit to which I am not willing to go in applying the national treasures to effect the peaceful, voluntary removal of slavery itself.

I have thus endeavored to show that there is not now, and is not likely to occur, any adequate cause for revolution in regard to slavery. But you reply that, Nevertheless you must have guarantees. And the first one is for the surrender of fugitives from labor. That guarantee you cannot have, as I have already shown, because you cannot roll back the tide of social progress. You must be content with what you have. If you wage war against us, you can at most only conquer us, and then all you can get will be a treaty, and that you have already. But you insist on a guarantee against the abolition of slavery in the District of Columbia, or war. Well, when you shall have declared war against us, what shall hinder us from immediately decreeing that slavery shall cease within the national capital?

You say that you will not submit to the exclusion of slaves from the new territories. What will you gain by resistance? Liberty follows the sword, although her sway is one of peace and beneficence. Can you propagate slavery then by the sword?

You insist that you cannot submit to the freedom with which slavery is discussed in the free States. Will war—a war for slavery—arrest or even moderate that discussion? No, sir, that discussion will not cease. War would only inflame it to a greater height. It is a part of the eternal conflict between truth and error, between mind and physical force, the conflict of man against the obstacles which oppose his way to an ultimate and glorious destiny. It will go on until you shall terminate it, in the only way in which any State or nation has ever terminated it, by yielding to it—yielding in your own time and in your own manner indeed, but nevertheless yielding, to the progress of emancipation.

You will do this sooner or later, whatever may be your opinions now; because nations not more prudent and humane and wise than you are have done so already.

Sir, the slave States have no reason to fear that this inevitable change will go too far or too fast for their safety or welfare. It cannot well go too fast or too far if the only alternative of it is a war of races.

But it cannot go too fast. Slavery has a reliable and accommodating ally in a party in the free States, which, though it claims to be, and doubtless is in many respects, a party of progress, finds its sole security for its political power in the support and aid of slavery in the slave States. Of course I do not include in that party those who are now coöperating in maintaining the cause of freedom against slavery. I am not of that party of progress in the North which thus lends its support to slavery. But it is only just and candid that I should bear witness to their fidelity to the interests of slavery. Slavery has moreover a more natural alliance with the aristocracy of the North and with the aristocracy of Europe, so long as slavery shall possess the cotton fields, the sugar fields, and the rice fields of the world, so long will commerce and capital yield their toleration and sympathy. Emancipation is a Democratic revolution. It is capital that arrests all Democratic revolution. It was capital that in a single year rolled back the tide of revolution on the base of the Carpathian mountains, across the Danube and the Rhine into the streets of Paris. It is capital that is rapidly rolling back the throne of Napoleon into the chambers of the Tuilleries.

Slavery has a guarantee still stronger than these in the prejudices of caste and color, which induces even large majorities in all the free States to regard sympathy with the slave as an act of unmanly humiliation and self-abasement. Although Philosophy meekly expresses her distrust of the asserted natural superiority of the white race, and confidently denies that such a superiority, if justly claimed, can give a title to oppression, there remains one more guarantee—one that has seldom failed you, and will seldom fail you hereafter. New States cling in closer reliance than the older ones to the federal power. The concentration of the slave power enables you for long periods to control the federal government with the aid of the new States. I do not know the sentiments of the representatives of California, but my word for it, if they should be admitted on this floor to-day against your most obstinate opposition, they would on all questions really affecting your interests be found at your side. With these allies and aids to break the force of emancipation, there will be no disunion and no secession. I do not

say that there may not be disturbance, though I do not apprehend even that. Absolute regularity and order in administration have not yet been established in any government, and unbroken popular tranquillity has not yet been attained in even the most advanced condition of human society. The machinery of our system is necessarily complex. A pivot may fall out here—a lever be displaced there—but the machinery will soon recover its regularity and move on just as before, with even better adaptation and adjustment to overcome new obstructions.

There are many well disposed persons who are alarmed at the occurrence of any such disturbance.

The failure of a legislative body to organize is to their apprehension a fearful omen, and an extra constitutional assemblage to consult upon public affairs, is with them cause for desperation. Even senators speak of the Union as if it existed only by consent, and, as it seems to be implied, by the assent of the legislatures of the States. On the contrary, the Union was not founded in voluntary choice, nor does it exist by voluntary consent.

A union was proposed to the Colonies by Franklin and others in 1754; but such was their aversion to an abridgement of their own importance respectively, that it was rejected even under the pressure of a disastrous invasion by France.

A union of choice was proposed to the Colonies in 1775; but so strong was their opposition, that they went through the war of Independence without having established more than a mere Council of Confederation.

But with independence came enlarged interests of agriculture, absolutely new interests of manufactures—interests of commerce, of fisheries, of navigation, of common domain, common debts, of common revenues and taxation, of the administration of justice, of public defense, of public honor—in short, interests of common nationality and common sovereignty—interests which at last compelled the adoption of a more perfect union, a national government.

The genius, talent and learning of Hamilton, of Jay and of Madison, surpassing perhaps all the intellectual power ever excited before for the establishment of a Government, combined with the severe but mighty influence of Washington, were only sufficient to secure the reluctant adoption of the Constitution that is now the object of all our affections and the hopes of mankind. No wonder that the conflicts in which that Constitution was born, and the almost desponding solemnity of Washington in his Farewell Address, impressed his countrymen and mankind with a profound distrust of its perpetuity! No wonder that, while the murmurs of that day are yet ringing in our ears, we have cherished that distrust with pious reverence, as a national and patriotic sentiment.

But it is time to prevent abuses of that sentiment. It is time to shake off that fear—for fear is always weakness. It is time to remember that Government, even when it arises by chance or accident, and is administered capriciously and oppressively, is ever the strongest of all human institutions, surviving many social and ecclesiastical changes and convulsions, and that this Government of ours has all the inherent strength common to Governments in general, and added to them, all the solidity and firmness derived from broader and deeper foundations in natural justice, forming a better civil adaptation to promote the welfare and happiness of mankind.

The Union, the creation of necessities, physical, moral, social and political, endures by virtue of the same necessities, and these necessities are stronger than when it was produced, and by the greater amplitude of territory now covered by it—stronger by the sixfold increase of the society living under its beneficent protection—stronger by the augmentation ten thousand times of the fields, the workshops, the mines and the ships of that society, of its productions of the sea, of the plow, of the loom, and of the anvil, in their constant circle of internal and international exchanges—stronger in the long rivers penetrating regions before unknown—stronger in all the artificial roads, canals and other channels and avenues essential not only to trade, but to defense—stronger in steam navigation, in steam locomotion on the land, and in telegraph communications unknown when the Constitution was adopted—stronger in the freedom and in the growing empire of the seas—stronger in the element of national honor in all lands—and stronger than all in the now settled habits of veneration and affection for institutions so stupendous and useful.

The Union then IS,—not because merely that men choose that it shall be, but because some government must exist here, and no other government than this can. If it could be dashed to atoms by the whirlwind, the lightning and the earthquake to-day, it would rise again, in all its just and magnificent proportions, to-morrow.

I have heard somewhat here, almost for the first time in my life, of divided allegiance—of allegiance to the South and to the Union—of allegiance to the States severally and to the Union. Sir, if sympathies with State emulation and pride of achievement could be allowed to raise up another sovereign to divide the allegiance of a citizen of the United States, I might recognize the claims of the State to which by birth and gratitude I belong—to the State of Hamilton and Jay, of Schuyler, of the Clintons, and of Fulton—the State which, with less than 200 miles of natural navigation con-



nected with the ocean, has by her own enterprize secured to herself the commerce of the Continent, and is steadily advancing to the command of the commerce of the world. But, for all this, I know only one country and one sovereign—the United States of America and the American people.

And such as my allegiance is, is the loyalty of every other citizen of the United States. As I speak he will speak, when his time arrives; he knows no other country and no other sovereign; he has life, liberty, property, and precious affections and hopes for himself and his posterity treasured up in the ark of the Union. He knows as well, and feels as strongly as I do, that this government is his own government, that he is a part of it, that it was established for him, and that it is maintained by him; that it is the only truly wise, just, free and equal government that has ever existed; that no other government could be so wise, just, free and equal; that it is safer and more beneficent than any which time or change could bring into its place.

You may tell me, sir, that although all this may be true, yet that the trial of faction has not yet been made. Sir, if the trial of faction has not been made, it has not been because that faction has not always existed, and has not always menaced a trial, but because faction could find no fulcrum on which to place the lever to subvert the Union, as it can find no fulcrum now, and in this is my confidence. I would not rashly provoke the trial, but I will not suffer a fear which I have not to make me compromise one sentiment, one principle of truth or justice, to avert a danger that all experience teaches me is purely chimerical. Let, then, those who distrust the Union make compromises to save it; I shall not impeach their wisdom, as I certainly cannot their patriotism, but indulging no such apprehensions myself.

I shall vote for the admission of California directly, without conditions, without qualification, and without compromise; for the vindication of that vote I look not to the verdict of the passing hour, disturbed as the public mind now is by conflicting interests and passions, but to that period, happily not far distant, when the vast regions over which we are now legislating, shall have received their destined inhabitants.

While looking forward to that day, its countless generations seem to me to be rising up and passing in dim and shadowy review before us. And the voice comes forth from their serried ranks, saying, "Waste your treasures and your armies, if you will, raze your fortifications to the ground, sink your navies into the sea, transmit to us even a dishonored name, if you must, but the soil that you hold in trust for us, give it to us free. You found it free, and conquered it to extend a better and a surer freedom over it. Whatever choice you have made for yourselves, let us have no partial freedom. Let us all be free. Let the reversion of our broad domain descend to us unencumbered, and free from the calamities and sorrows of human bondage."

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## SPEECH OF HON. LEWIS CASS

*On the motion of Mr. Foote to refer the motion of Mr. Bell to a Select Committee of thirteen Senators, with instructions to prepare a Compromise. Delivered, March 13 and 14.*

Mr. Cass—On this subject, sir, I agree precisely with what was said by the distinguished Senator from Kentucky (Mr. CLAY). I shall vote for the reference. I should vote for almost any proposition that had the appearance of bringing this country into harmony upon this perplexing question—almost any proposition that may be submitted, which has even the appearance of such a result. I do not see any possible objection to this course. It commits no one. It is simply an instruction to a committee to inquire into what can be done.

It does not suspend the operation of the Senate at all. Its discussion, its debates, its votes, will go on as though this question had not been submitted to a committee. It is one chance more for terminating this fearful controversy. I agree, too, with the senator from Kentucky, that my hopes are not strong as to any favorable result to grow out of this committee. The chances have been much diminished by the vote taken on yesterday. If that vote contained any indication of the feelings in this chamber with regard to the committee itself, and the benefit to result from it, I am sorry to say that I can anticipate very little good from the proposition of the senator from Mississippi (Mr. FOOTE), relative to the resolutions prepared with great care and submitted with great good sense and excellent good feeling, such as have always distinguished the senator from Tennessee (Mr. BELL). For myself, I am not prepared to say what my views will be upon this whole matter. They are not yet formed. I say merely that this course holds out one hope the more, and is therefore well worthy of adoption. So far as re-

spects the proposition connected with Texas, I am myself prepared to consider it in a spirit of fairness and liberality. The honorable senator from Tennessee (Mr. BELL) said that a doubt has been suggested with respect to the disposition of the Senate, and perhaps of the country, to carry into effect the Texas guaranties. I believed that the gentleman was wholly in error. I am sorry to find, from various indications here, that he was not. For myself, without going into the general question at all, I am prepared to say, that as long as I have a vote to give, I will faithfully carry out the spirit of the articles of annexation, and I will not look behind their guaranties. I will abide by them, and I am prepared at all times to say so.

But, however this proposition may terminate, I think the country is under lasting obligation to the senator from Mississippi for his efforts to settle the existing difficulties. While he has proved himself true to his own section of the country, he has proved himself true to the whole country. He has stood up manfully for the rights of the South, but he has stood up also for the obligations of the constitution. And I must say, also, that I have seldom seen an instance of greater moral courage than has been displayed by him. The distinguished senator from South Carolina occupies, we all know, a high position in the country; and from the zeal, and energy, and ability with which he has long advocated the cause of the South, he has almost rendered himself the representative of Southern opinions. When, in the name of that section of country, he advanced claims which, if persisted in, would have presented insurmountable obstacles to the amicable adjustment of these difficulties, the senator from Mississippi came forward to disavow the sentiments thus advanced. He came as a messenger of peace, to pour oil upon the troubled waters. He deserves the gratitude of the country for this noble effort. I must confess my own impressions agreed with the impressions of the honorable senator from Mississippi. I thought the speech of the senator from South Carolina was calculated to produce the most unfavorable results.

I listened, Mr. President, with great regret to the speech of that distinguished senator (Mr. CALHOUN). I am not going to criticise it. My great respect for that gentleman will prevent me from doing it. I will merely say that there was a strange collection of facts, as well as a strange collocation of them, and that these were followed by strange conclusions. I think, Mr. President, I may say, and I imagine this feeling is general in the Senate, that a sombre hue pervaded this whole speech, in consequence of its being prepared in the recesses of a sick chamber. Had he been able to walk abroad in the light of heaven, and had he felt the breezes blowing upon him, I am sure his remarks would not have been as gloomy, nor the results as desponding. We have all felt this, sir, and I know how to sympathize with it.

I repeat that I am not going to criticise the speech of the honorable senator; but there was one expression, I remember, which grated harshly upon my ear. He denominated Washington the *illustrious southerner*! Not the renowned warrior—not the eminent statesman—not the distinguished citizen—not the great American—not the beloved Virginian—but the illustrious southerner. Our Washington—the Washington of our whole country—receives in this Senate the epithet of “southerner,” as if the glory of his name and fame could be divided or assigned to a single section of his beloved country; as if that great man, whose distinguished characteristic was his attachment to his country, and his whole country, which was so well known, and who, more than any one, deprecated all sectional feeling and all sectional action, loved Georgia better than he loved New Hampshire, because he happened to be born on the southern bank of the Potomac. I repeat, sir, that I heard with great pain that expression from the distinguished senator from South Carolina.

I heard the disavowal of the honorable senator from Mississippi (Mr. FOOTE) with the more gratification, because it was followed by an explanation from the senator from South Carolina (Mr. CALHOUN), which, though it did not relieve my apprehensions, certainly diminished them. If the impression which I, as well as many others, received respecting the nature of these propositions was correct, the handwriting was already upon the wall. “God hath numbered thy kingdom and finished it,” announced with no more certainty to the wondering king of Babylon the destruction of his empire and the termination of his life, than would those propositions, if the continuance of our Union depended upon their adoption, have announced that “God hath numbered our republic and finished it.” To what new Medes and Persians we should have been delivered, is known only to Him who holds in his hands the fate of nations.

We have been three months here, and what have we done? Nothing. We have not passed a single law of the least national importance. We have occupied the whole time in the discussion of this question, and no practical result has been attained; and present appearances do not indicate that such a result is near. But, though we have done nothing, we have ascertained that some things cannot be done. We have ascertained—I think I may say with certainty—that no Wilmot proviso can be passed through this Congress. That measure is dead. It is the latest, and I hope it is the last, attempt that will be made to interfere with the right of self-government within the limits of this republic. I think we may also say that no Missouri compromise line can pass, and that no one expects or desires that it should pass.



Mr. President, what was the compromise line? Allow me to read the law which established it:

"Sec. 8. *And be it further enacted*, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the state contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be and is hereby forever prohibited."

Now, sir, what is this provision? It is intervention north of the line of 36 deg. 30 min., and non-intervention south of that line. Sir, there is not one southern senator on this floor, nor one southern member of the other House, nor, indeed, a southern man who understands the subject, who would accept that line as a proper settlement of this question.

Mr. FOOTE, (in his seat.) I would not.

Mr. CASS—The whole doctrine of equal rights and of non-intervention is taken away by it at once. Why, sir, putting out of view the constitutional objections to such an arrangement, it gives the South nothing, while it prohibits the people north of 36 deg. 30 min. from exercising their own will upon the subject. The true doctrine of non-intervention leaves the whole question to the people and does not divide their right of decision by a parallel of latitude. If they choose to have slavery north of that line, they can have it.

Mr. CALHOUN, (in his seat.) We are very competent to judge of that matter ourselves.

Mr. CASS. Is there a Senator on this floor who would accept of a proposition to apply the principle of non-intervention to a part of the territory, leaving to the people of the other portion to do as they please? No, sir; there is not a Southern Senator here who would vote for it. I will tell you what would be supported, for it has already been announced—a law declaratory, mandatory, or permissive, for the establishment of slavery south of the line of 36 30. The distinguished Senator from South Carolina might be willing to accept a declaration that slavery does now exist, or that it shall exist, or may exist south of a certain line; but I take it for granted that no Senator from the South would be willing to abandon the ground of non-intervention, without some provision like that.

Mr. FOOTE. Permit me freely to say that I would no sooner vote for a Southern Wilnot proviso than I would for a Northern one. I rely, and am content to rely, upon the constitution. I was not convinced by the argument of the Senator from South Carolina of the necessity or expediency of going further than that. I rely with entire confidence upon our rights under the constitution, and the treaty by which the Territories were acquired. I ask for no legislation upon the subject, but simply that the whole matter be let alone. I ask nothing else but the doctrine of non-intervention.

Mr. CASS. Mr. President, I will not argue this point. I was about to say that what the law is, is a question for the decision of the judiciary. But what the law shall be, it belongs to the legislative department to declare. If we have power to pass a law declaring the existence of slavery, which is to be attended with any practical result, we necessarily possess jurisdiction over the whole subject matter. We have the same power to pass a mandatory law, commanding the existence of slavery, as a declaratory one recognising its existence. And I will appeal to every Senator, Northern or Southern, Eastern or Western, if there is any probability—I may say possibility—of such a law passing this Congress? No one asks it; no one expects it. The Missouri compromise line is, therefore, as much out of the question as the Wilnot proviso. The fact is, Mr. President, it is not in any way applicable to the existing state of things, though it was applicable to the country where it was established, because slavery was there an existing institution, and it was left in force south of 36 30. Insurmountable objections, therefore, exist to such an arrangement, where the condition of the country is entirely changed.

Well, then, Mr. President, if these things are impossible, if they cannot be done, it remains to inquire what it is in our power to do.

My own opinion is, sir, that we should take up the bill for the recapture of fugitive slaves, reported by the Judiciary Committee. I am disposed to suspend all our discussions, and to lay aside all other business, with a view to act upon that bill without unnecessary delay, and to pass it in such form as may be acceptable to a majority of this body. That is a point upon which the South feels most acutely, and in regard to which it has the most serious cause of complaint. I have heard but one man in this body deny the existence of this evil, or the justice or necessity of providing an adequate remedy.

The act of 1793 provided that the State magistrates in the various cities and counties of the Union should carry that law into effect. This provision has been since rendered nugatory, as these officers will not now act, and consequently the judges of the United States alone have jurisdiction over the subject. They are not enough for that purpose, and the law, therefore, requires an amendment. I, for one, am willing to take up the subject, and provide the necessary means of carrying the provision of the constitution

into full effect. Such a procedure would have the very best effect upon the South at this time. It would be a pledge of our sincerity and of our desire to do justice to that great section of our common country.

If I understood the Senator from New York, (Mr. SEWARD,) he intimated his belief that it was immoral to carry into effect the provision of the constitution for the recapture of fugitive slaves. That, sir, is a very strange view of the duties of a Senator in this body. No man should come here who believes that ours is an immoral constitution—no man should come here, and by the solemn sanction of an oath, promise to support an immoral constitution. No man is compelled to take an oath to support it. He may live in this country and believe what he chooses with regard to the constitution; but he has no right as an honest man to seek office, and obtain it, and then talk about its being so immoral to fulfil its obligations. It is the duty of every man, who has sworn to support the constitution, fairly to carry its provisions into effect; and no man can stand up before his fellow-citizens and maintain any other doctrine, whatever reasons he may urge in its vindication.

In one of the most disingenuous portions of the speech of the honorable Senator from New York, (Mr. SEWARD)—which itself was one of the most disingenuous I have ever heard—he speaks of “slavery having a reliable and accommodating ally in a party of the free States,” and he says he “bears witness to its fidelity to the interests of slavery.”

Now, I ask the Senator from New York if he believes there is a man in this Senate from the North whose course is influenced by his fidelity to slavery? and if he does not, what right he has to cast odium upon gentlemen who are associated with him in the high duties which belong to this position?

Mr. SEWARD. The Senator addresses a question to me. I rise for the purpose of answering it, and for no other purpose. I think it was Jefferson who said that the natural ally of slavery in the South was the democracy of the North.

Mr. HALE. It was Mr. Buchanan who said so.

Mr. SEWARD, Mr. FOOTE, and Mr. DAWSON had here a conversation, in which Mr. DAWSON said that if the sentiments of Mr. SEWARD were those of the Whig party, he wished it to be understood that he did not belong to that party. In reply to which Mr. SEWARD said:—I speak for myself, and for no other man. I am a citizen of the United States; my duty is to promote the interest, the happiness, and the welfare of the people of the United States. I hold that I can do so in no effectual way by going alone and independently; and, therefore, in the discharge of my duties, I ally myself to such a party as I find most approximating to the principles and sentiments that I entertain. I will do the Whig party the justice, or rather the injustice to say, that I have been a member of it the whole of my active life; and I will do it the great disservice of saying that, no matter what may happen, or who may put me under their ban, I shall be the last to abandon it—I shall be the last to leave it—for this reason, that I find it, however individuals may dissent, the party more devoted to the cause of freedom and emancipation than that other party to which I referred in the remarks which arrested the attention of the distinguished Senator from Michigan. I will also do the Whig party the justice to say that its sentiments are not fully in accordance, upon this subject, throughout the whole country, with my own; and that I do not profess to speak for it, but I have great hopes that the Whig party, and all other parties, will ultimately come to precisely the same conclusions, which are the guiding and governing principles of my own course.

Mr. CASS, (resuming.) I was going to remark that, with respect to the creed of the Whig party or the orthodoxy of the Senator from New York, these are matters with which I have no concern; but with respect to progress I have something to say. My progress is within the constitution. My age of progress is circumscribed there. If the Senator from New York is going out of it, I do not believe in his progress at all. No, sir. My object is to support the constitution which, under God, is the source of our prosperity and happiness.

Mr. SEWARD, (in his seat.) That is mine.

Mr. CASS. The Senator from New York says that also is *his* object. If it is, I think he has a very strange way of showing it, by pronouncing it immoral, and denying the validity of its obligations. It scarcely would last a day if that Senator, with his avowed principle of action, had the direction of the Government. I do not say that it would be dissolved immediately, but the seeds of dissolution would be sown, and would ripen into a harvest of calamity as speedily as the rankest vegetation gains maturity under a tropical sun.

[Mr. CASS here gave way to resume the subject on the next day: on Thursday, he resumed as follows:]

I was remarking yesterday, when I resigned the floor, there were certain things we could not accomplish, and others that with equal certainty we might take for granted we could do. Among the latter was the bill providing for the recapture of fugitive slaves; and another object which I trust will be accomplished is the providing of a government for the new Territories. I think it essential to calm this agitation, and so long as these Territories are left without a government, so long will the present



state of things continue, and this agitation be kept up, which is so harassing to the tranquillity, and dangerous to the peace of the Union.

That a law may be passed authorizing the people of the Territories to govern themselves, without any Wilmot Proviso being attached to it, is my wish and my hope. I am not going to say much upon the propriety of the admission of California, for the remarks that have fallen from my friend from Illinois (Mr. DOUGLAS) are so well expressed and so pertinent, that they preclude the necessity of entering anew into that topic at any length.

I understood the distinguished Senator from South Carolina to admit, yesterday, that he did make it expressly a test question. As I remarked before, it was this demand of the honorable Senator that excited in my mind serious apprehensions as to the result; for I knew, and every member of this Senate knew, that if this was made a test question upon which the fate of this republic depended, that fate was sealed. I trust I may be permitted to say, with regard to this issue, that it appears to me not only unwise but useless, for the reasons so well expressed by the Senator from Illinois in his speech to-day.

No gentleman on this floor, from the North or the South, the East or West, will rise in his seat and say he believes that slavery will ever go into the Territory of California—no one can believe this for a moment. What, sir, would the Southern States gain by sending California, after she has come here with a constitution in her hands, back again, to undergo the process of a Territorial Government, and then to return here a year hence, every year perhaps for ten years, and revive the question anew? What would be gained by it for any portion of the country? Is it a battle worth fighting? Is the object to be accomplished really worth the contest? Sir, there is no object that can be accomplished by such a course of procedure. Under existing circumstances, what kind of Territorial Government can be established there? Can any Territorial Government be established? And is this unsettled state of things to go on from year to year, perpetuating the bitter feelings that have already sprung up between one section of the Union and the other? But I have said also such a course is unwise; and I trust my Southern friends will pardon me for saying they are making a very unwise issue.

Sir, we cannot stand before the country, and before the world, and object to the admission of California on the ground that has been urged. The objection is not to her boundaries, though that topic has been much debated. The honorable Senator from Illinois, whom we have all just heard with so much pleasure, has discussed the subject so ably and clearly that it would be a work of supererogation in me to renew it. I myself was at first startled at the boundary claimed, stretching as it does along the coast of the Pacific one thousand miles; a much greater extent than any one State in the Union ought to possess. As the Senator from Illinois and myself are together in the same house, we have conversed repeatedly upon this subject, and with an earnest desire to reduce these boundaries, if the nature of the country would permit. With this view he examined various lines proposed—the parallel of  $36^{\circ} 30'$ , and the southern range of mountains—to ascertain what proper limitation could be imposed upon the new State. But he ultimately became satisfied that no change could be made. The country between the ocean and the sea is a narrow one, and east of the mountains is a desert, and in proportion to its extent the quantity of arable land is small. Be the boundaries as they may, it is not probable that its population will ever be as great as that of some of the other States of this Union. And if its southern boundary were to stop at the mountains, there would be left between them and the Mexican possessions a small district of country, which would have to remain for an indefinite period, perhaps forever, in a colonial condition.

The Senator from South Carolina, (Mr. CALHOUN,) who I regret to see is not in his seat to-day, does not assume this ground as an objection to the admission of California. That objection rests upon her present position and mode of application; because she has established a Government of her own without passing through a territorial process, and comes here of her own accord and asks admission into this Union. This ground of objection cannot be maintained in this age of the world, before the people of this country, and I may add the people Christendom.

One hundred thousand American citizens on the shores of the Pacific are, or might be, so far as depends on our action, in a perfect state of anarchy. Three sessions of Congress have intervened since these new Territories came under the jurisdiction of the United States, and you have not legislated for them in a single instance, except to make provision for the collection of revenue at their ports. All other duties devolving upon you as legislators for the entire Union have been totally neglected. You have used them only for the purpose of collecting taxes from them. Are we, sir, to be told in the middle of the nineteenth century that these people under such circumstances have no right to form a Government? No man can stand up here and assert this doctrine, and expect to receive the support of the people of this country. My friend from Illinois (Mr. DOUGLAS,) correctly said that the right of government, of some kind of government, was a right inherent in all people upon the face of the earth; and that the establishment of civil and social order was among the first necessities of men entering

into civil society. Without government they cannot exist; and you have provided no government for the people of California, and it is now contended that they have no right to provide one for themselves. You have neglected your own duty towards them for the last three sessions, and now, when they come here acknowledging your jurisdiction, and with a constitution in their hands, you are about to send them back to the shores of the Pacific to enter into a territorial condition, and to return again at some future time as suppliants to your favor. They love the Union. They have felt its blessings and desire to secure them to themselves and posterity. They will have no other standard to wave in the breezes of the Pacific on their coast but the standard of their fathers—the stars and stripes of their country. Would to God that this feeling prevailed with equal intensity at the centre of the republic as it prevails at its distant extremity! While they wish to come in, there are those who wish to go out. It is consoling to find that the patriotic ardor of our countrymen does not diminish as they recede from the older portions of the republic. I repeat, they come here, not as revolutionists, but as an integral part of our great community, asking admittance into the confederacy.

Mr. KING, (in his seat.) Who is it that prevents them?

Mr. CASS. The Senator from Alabama inquires who it is that has prevented them from having a government, and I answer it is the Congress of the United States; and in saying this, I take the blame myself, as one of its members.

Mr. DOWNS. The Wilmot proviso prevents them.

Mr. CASS. I am speaking of the cause of our neglect. The Wilmot proviso is another thing. I am not examining what differences of opinion may have prevented our action. I am speaking of our neglect, and of its effect upon the people of California, and of their justification in forming a State Government. What has the Wilmot proviso, or any other difference of opinion here, to do with them? They would still have remained without a government had they not taken their own cause into their own hands, and done for themselves what we ought to have done for them. Are they to be deprived of social organization, and of all the elements of social order, I may add of existence, and to be treated by us with contumely and mockery, under the pretense that we can do nothing for them, because some one thinks proper to introduce the Wilmot proviso into our legislative proceedings?

Mr. DOWNS. Does not the gentleman know that that is the only reason?

Mr. CASS. To be sure; gentlemen would not have voted for a Territorial Government clogged with the Wilmot proviso. I would not do it myself. But the great fact still remains. It is our fault they have no government. It is not theirs; and it is because that question has divided you, and prevented you from doing your duty, that they appear here to-day and ask justice at your hands.

Mr. FOOTE. Will the Senator bear with me?

Mr. CASS. With pleasure.

Mr. FOOTE. I presume the Senator does not wish to do injustice to any one; but he knows well that what may properly be called the Walker amendment was prevented from being adopted, according to his own account, by the Senator from New York.

Mr. CASS. If any gentleman supposes that I had the slightest idea of casting censure upon one human being, he is utterly mistaken; such a sentiment never occurred to me. I was speaking of the Congress of the United States; and of the duties they had to perform, and had neglected to perform, and did not intend to reflect the slightest censure upon any gentleman north, south, east, or west, much less to arraign their motives. I was speaking of the relation which existed between this Government and the people of California, which has justified, in my opinion, the course they have taken.

Mr. BUTLER. Will the honorable Senator allow me to ask him a question?

Mr. CASS. Certainly.

Mr. BUTLER. Do I understand the honorable Senator now to say that it was the duty of Congress to have provided a competent Government for these Territories?

Mr. CASS. There are two positions I have always maintained with reference to this subject. First, that Congress under the Constitution has no right to establish Governments for the Territories; secondly, that under no circumstances have they the right to pass any law to regulate the internal affairs of the people inhabiting them. The first may be a matter of necessity; and when the necessity exists, if a Senator votes for it, he votes upon his own responsibility to his constituents. If they believe the necessity and support him, he is safe; but if not he must fall. If I had voted under such circumstances, I must have looked to my constituents for my justification; but under no circumstances could I have voted for any law interfering with the internal concerns of the people of a Territory. No necessity requires it. There is no necessity which would justify it.

Mr. CHASE. Will the Senator allow me to ask him a question?

Mr. CASS. Certainly; I stand ready to be catechised all day on this subject, if Senators desire it.

Mr. CHASE. Did I understand the Senator as saying that in voting for a bill to establish a government in the territories, he would assume the exercise of any authority not given in the constitution?



Mr. CASS. The honorable Senator will undoubtedly recollect that in a historical document called the Nicholson letter, which subsequent circumstances have made somewhat important, I distinctly stated my views upon this subject, and those views have remained unchanged to the present hour. I maintained that no power is given by the constitution to establish territorial governments, but that where an imperious necessity exists for such a measure, the legislator who yield to it must look to his constituents for his justification.

Mr. CHASE. I understood the Senator to say that there was no such authority given by the constitution?

Mr. CASS. I said that if we do an act not authorized by the constitution, under a pressure of necessity, that act must be done upon our own responsibility; and I refer the gentleman to the authority of Mr. Madison, who justified the action of the Congress of the Confederation on the subject of territories upon this ground, and upon this alone. If the gentleman will take the trouble to look at my speech on the Wilmot proviso, he will find my views on this point, distinctly laid down. What is the objection in principle to the admission of California? Allow me to say that great political rights and movements, in this age of the world, are not to be determined by mere abstract or speculative opinions. There is no want of heavy books in the world which treat of political science; but you need not go to them to ascertain the rights of men, either individuals or in communities; if you do you will lose yourself groping in a labyrinth, and where no man can follow you. If there are rights of sovereignty, there may be wrongs of sovereignty, and this truth should be held in everlasting remembrance. And this is the case with regard to California. We have rights, and we have duties, and if the former are sacred, the latter should be sacred also. One of these duties we have neglected to perform, and we are told by gentlemen who have spoken here, that when a State wishes admission into the Union, she should come to the door of Congress and knock for admission. California has thus come and knocked. But no door is opened to her, and she is to be told, go back and wait till we are ready. There is but one door through which you can enter, and that door we keep shut. You must pass through a territorial government, but that government we have neglected to give you, and we are probably as far from establishing it as ever. And such is the paternal regard we manifest towards one hundred thousand American citizens, who are upholding the flag of our country on the distant shores of the Pacific. A good deal has been said about precedents—I am not going to examine either their application or authority, though it has been pretty clearly shown by others, that they fully justify this measure of admission.

Great political measures must be judged by themselves. When new and imposing circumstances dictate an unusual course, they furnish the justification for action, and they furnish also a precedent for future proceedings; and whether such cases as this are to be found in our legislative history, our duty is still the same. That duty imperiously requires the admission of California into our Union. She comes and asks admission; not, as the honorable Senator from Illinois says, in language of equal force and beauty, not to reject your sovereignty, but because her citizens love their native country, know the value of our institutions, and desire to become bone of our bone, and flesh of our flesh. They come, I repeat, not as revolutionists, but as petitioners, asking the greatest favor we can bestow upon them. The distinguished Senator from South Carolina has objected that we can only admit a State into our Confederacy, and that California is not a State. Well, sir, in my opinion it is a State, and as truly so as any existing under the sun. The honorable Senator from Maine asked the very emphatic question, What constitutes a State? And his answer will find a responsive chord in the heart of every American. He said, with truth, that it is men who make a State. They do, sir. It is not land, nor trees, nor gold mines; but it is men, by whom and for whom States are constituted and maintained. Why, sir, any other doctrine would carry us back to the worst portion of the middle ages, when Governments were instituted for the protection of the few, and men without property were men without rights. Doctor Franklin, with his native good sense, and, I may add, his native good humor, rebuked this principle of legislation in a manner far more significant than could have been done by the most labored argument. He said that a certain amount of property is necessary to entitle a man to vote. He possesses a jackass to-day of the requisite value, and can exercise this right. To-morrow the jackass dies, and he loses it. To whom does the right belong? To the man or the jackass?

[Here Mr. BUTLER said something in a tone inaudible to the Reporter, to which Mr. CASS replied, I go for the man, and not for the jackass.]

But, Mr. President, there are other considerations which seem to me forcibly to urge the admission of California. The Senator from Illinois truly said, that the pride of opinion is strong in the human breast, and that it belongs as well to communities as individuals. The Wilmot proviso is offensive, justly offensive to the Southern section of the Confederacy—offensive independently of its practical consequences. It is considered an arbitrary assumption of power, and is therefore resisted, agreeably to the established laws of human nature. We oppose instinctively all improper assumptions of authority

over us, without stopping to inquire into the pecuniary value they may affect. No man is willing to have a measure forced upon him. Now, the people of California have been driven by necessity to take this matter into their own hands. They have decided the question for themselves. There is no offence to the pride of the South or of the North. There is no invidious Wilmot Proviso to be passed north or south of 36° 30'. There is no pride of opinion involved, and no overbearing act of one portion of the country against the other, and therefore the admission of California removes much of the present controversy in a manner that spares the feelings of all.

I regret, sir, that the Senator from South Carolina is not present, as I desired to extend my remarks further than I shall now do. I have already said that the speech of that honorable Senator inevitably leads us to the conclusion that upon the admission of California depends the dissolution of the Union. He likewise contended that an amendment to the constitution was indispensable, and his remarks on yesterday seemed to connect the fate of the country with the accomplishment of this object.

Mr. DOWNS. The Senator from Michigan states, that the Senator from South Carolina remarked, in his speech, that this amendment was indispensable. Now, I may have misunderstood his words, but certainly I think he only said that it was desirable.

Mr. CASS. I do not desire to exchange words upon this point, and have not the slightest disposition to provoke debate upon it. In order to satisfy the Senator from Louisiana, I will read the Senator's own words:

"The North has only to will it to accomplish it; to do justice by conceding to the South an equal right in the acquired territory, and to do her duty by causing her stipulations relative to fugitive slaves to be faithfully fulfilled; to cease the agitation of the slave question, and to provide for the insertion of a provision in the constitution, by an amendment, which will restore to the South in substance the power she possessed of protecting herself before the equilibrium between the sections was destroyed by the action of this Government. There will be no difficulty in devising such a provision, one that will protect the South, and which at the same time will improve and strengthen the Government instead of impairing and weakening it. But will the North agree to do this? It is for her to answer this question. But I will say she cannot refuse, if she has half the love of the Union which she professes to have, or without justly exposing herself to the charge that her love of power and aggrandisement is far greater than her love of the Union. At all events, the responsibility of saving the Union rests on the North, and not the South. The South cannot save it by any act of hers, and the North may save it without any sacrifice whatever, unless to do justice and to perform her duties under the constitution should be regarded by her as a sacrifice. It is time, Senators, that there should be an open and manly avowal on all sides as to what is intended to be done. If the question is not now settled, it is uncertain whether it ever can hereafter be; and we, as the representatives of the States of this Union, regarded as governments, should come to a distinct understanding as to our respective views in order to ascertain whether the great questions at issue can be settled or not. If you, who represent the stronger portion, cannot agree to settle them on the broad principle of justice and duty, say so, and let the States we both represent agree to separate and part in peace."

I have not another word to say, Mr. President. If these remarks do not justify the conclusion I have drawn from them, I do not know what can.

I am not going to dwell upon this point of construction. God knows I have not the slightest wish to misrepresent the opinions or the objects of the Senator. I have only to say that any man who reads the speech must come to the same conclusion, that, in the opinion of the Senator, the dissolution of the Union, if not altogether, was almost inevitable. When I alluded to this subject yesterday, saying that, agreeably to the views of the Senator from South Carolina, if the amendment of the constitution did not take place *now*, "it would be fatal to the country," the honorable Senator answered "certainly it will in the end." The Senator says expressly, in his speech, the amendment must be made *now*. Yesterday he explained, and I took his explanation with the greatest pleasure—that he conceives an amendment necessary to be made, but that he does not conceive it is necessary to be done *now*. That is all I have to say in regard to this matter. What, then, is the avowed object of the Senator from South Carolina? He says he seeks to establish an equilibrium in this Government. I do not know precisely what is meant by an equilibrium in a Government. I do not know in what way legislation is to be exactly weighed or measured, with reference to the various sections or interests of the country. There has never been such a political expedient since the commencement of this Government, or indeed of any other; and there never can be. When the Government came into operation there were six slave and seven non-slaveholding States. The majority, therefore, in this Senate was in proportion then what it is now. There was, of course, no sectional equality, and if a disposition had been felt to oppress the South, it could have been as easily indulged by the Northern statesmen at that day as at this; for if your equilibrium is not perfect, you have no security from this new contrived equipoise. If the majority is disposed to disregard all constitutional checks, and to oppress the minority, that can as well be done by a



small preponderance in the legislature as by a larger one. The security now is just what it was when the constitution went from the hands of its framers.

But what kind of equilibrium could be established? Is every section of this country—North, South, East, and West—is every interest, manufacturing, agricultural, commercial, and mechanical, to be weighed each against the other? Is each to hold the Government in a state of equipoise? What it would become in such a case, while in nominal operation, no man can tell. We can all tell, however, what it would not do. It would leave its great functions unperformed, and would, ere long, die in the affections of the people, as it would be already dead to their interests. Who ever heard or dreamed of such a Government? I believe the constitution was intended to provide for every interest. But each must be cultivated and protected as the circumstances of the country may require, without the vain attempt at mathematical accuracy in the progress of public affairs.

In the days of Solomon it was said there was nothing new under the sun; but I confess that a perfect equilibrium, for all time and for all interests, be these interests greater or smaller, would be something new. There is a difference of opinion respecting the constitutionality of the Wilmot proviso. The attempt to enforce it is not the result of any arbitrary disposition to injure the South, but arises from a belief that the measure is legal and salutary. These differences of construction are inseparable from human language; and he who expects to prepare a written constitution, carrying with it universal concurrence of opinion, in all its constructions, indulges a chimera as wild as ever presented itself to any man, sleeping or waking. I ask, sir, when did the North seek to injure the South, or when did the South seek to injure the North in the mere wantonness of oppression? This charge of sectional rivalry I know has been a fruitful theme of discussion among the political parties of the day; but it has no real foundation in the progress of our history. We have gone on, sir, increasing in power, in all the elements of prosperity, with a rapidity unknown among the nations of the earth. The charge, indeed, is not new; it goes back to the days of Mr. Jefferson. When the aggressions of England required counteracting measures to be adopted by this country, non-intercourse and the embargo, and finally war, were resorted to in defence of the rights and the independence of the country. At that time a powerful party in the Eastern States desired to secede from the Union. They said then, as is said now, there is a sectional majority against us: they disregard our rights and destroy our interests, and we will go out from among them. There was not an argument used then which is not used now; nor a measure proposed which is not now proposed. There are some of us yet here who were living at that period and participated in these events. And the younger generation well know that these facts stand prominently forward in the history of their country.

Sir, the objection of the Senator from South Carolina is repeated here to-day by his colleague, and it amounts to this, that if you give power to a Government it may be abused. So it may; and I should like to see the Government where power cannot be abused. It would be another new thing under the sun. We may all suppose cases of extreme oppression, where a State would be justified before the world in resisting the acts of a majority, and in seceding from this Union or from any other. We can all suppose such a case, but, sufficient unto the day is the evil thereof; and, when that evil day comes, let those who have the responsibility act upon it, and decide for themselves and for their posterity. There has generally been a sound public opinion existing in our country. Wisdom and patriotism are found in both Houses of Congress, as well as in the State Legislatures, whose influence is everywhere felt and appreciated. And these are salutary checks against the abuse of power. And we happily possess another institution, the Supreme Court, which contributes its full share to the stability of our institutions. There are nine men, advanced in years, with neither the power of the sword nor the purse, whose decisions are received with confidence and obeyed with alacrity, from one end of this broad republic to the other. It is an oasis in the desert of politics, a green spot for the eye to rest upon. It is a tribunal of which we may all be proud. There is none higher upon the face of the earth. By their ability, their dignity, their impartiality, their unimpeached probity, the judges have won the respect of their countrymen; and, besides the performance of their judicial functions they everywhere exert a salutary influence upon public opinion. It is refreshing to leave these chambers of discussion and dissension, and to enter the hall below us, and mark the tranquility and wisdom with which the high interests of the community are thus considered and determined.

At the last session of that court a sublime moral spectacle was presented, of which every American may be justly proud. One of the greatest States of this Union appeared at the bar and made itself a party, asking the court to judge its cause, and to remove certain impediments to the navigation of the Ohio river, which were considered an injury by the Commonwealth of Pennsylvania. Yes, like an individual, that State asked the court to sit in judgment upon the cause, and to direct these impediments to be removed. Who would witness such a spectacle if this Union were dissolved? Differences like this would then be adjusted, not by reason, but by the strong hand.

Another similar scene passed in the same place a short time since, when two States, members of this Confederacy, disputing about their boundaries, asked this court to decide between them, and the court did decide; and I understand the line they fixed is now running by commissioners armed only with a slip of paper, and through a country heretofore highly excited by this question, but now calm and satisfied, leaving the surveyors to perform their duty with as much safety as if protected by all the force of the Republic. Such lines elsewhere are run by armies, and marked by the sword. Thus it will be seen that our Government has a mode of settling difficulties—a constitutional mode—that ought to command the assent of all.

I do not deny that there may be great political cases where this court can have no jurisdiction. When such cases arise, I trust a peaceable remedy will be found for their adjustment. I leave that to time and events. It is one of our national characteristics to neglect our immediate advantages, and to look forward to some great calamity, which is to overtake us after the lapse of centuries.

The Senator from South Carolina (MR. CALHOUN) has not stated the amendment by which he proposes to secure the equilibrium of the Government. There are, however, two indications in his speech which leave but little doubt as to the nature of the remedy, though its details must of course be conjectural. He pointed out two difficulties in the operations of the Government which it would be necessary to obviate.

First, that it claimed to use force in order to carry into effect the powers it felt authorized to exercise. Well, sir, what Government exists, or ever existed, which does not use force? Human beings are influenced by hope and fear, (I leave higher considerations out of view in this discussion,) and, as no Government is rich enough to buy obedience, it must compel it by force.

The second difficulty is, that the Government assumes to judge of the extent of its own powers. It does so, and necessarily. And so must every other Government, in a greater or less degree. I do not propose to enter into any argument upon this point, nor to investigate the course necessary to pursue in the event of collisions of opinion between the General and State Governments. That must be determined by events as they arise. I merely allude to these topics briefly, in order, by ascertaining the evils supposed to exist by the Senator from South Carolina, to ascertain the nature of the remedy he is desirous of applying to them. He is seeking a constitutional remedy, which shall produce an equilibrium, by which the rights of every section and of every interest of the country can be preserved from aggression. The South is not the only section which is liable to oppression. There are also the East, the West, and the remote West, which may have the same cause of complaint. And the various interests I have already enumerated may, in like manner, each demand peculiar protection. There is to be some controlling principle within the constitution by which its operations may be regulated when these several sections of interest may consider their rights assailed or endangered; for I do not suppose the honorable Senator is so local in his views as to propose a remedy which shall not be applicable, under similar circumstances, to every portion of the country. And that remedy is an equilibrium, as it is called, which, when translated into English, means a plan by which a sectional minority may, at its pleasure, control or suspend the operations of the Government. I have already said, that the general plan is more easily ascertained, than the specific details. Well, sir, such an equilibrium, instead of being a balance wheel, would be a check wheel. It would stop the whole operations of the Government. It would in fact place it under the control of a minority.

Now, sir, these minority governments are not new in the world. They have existed since the institution of civil society, and will continue, I suppose, until it is terminated. There are many of them found in Europe, and in other quarters of the world. There is one at St. Petersburg, another at Constantinople, and another at Vienna; and these governments take very good care of the rights of the minority; but I do not see the advantage of the plan, for I believe the rights of the majority are very little regarded; at any rate, such is the opinion of the Poles and of the Hungarians, and of many an oppressed people besides. It is all idle, sir, to talk of such a plan. Provide proper checks and limitations for all sections and interests as a just foresight may require. But after this is done by the constitution, the Government must be conducted agreeably to the will of a majority, unless you choose to intrust your rights to a single man and thus establish a despotism. That, I suppose, is the perfection of a minority government. No intellect, however profound, can give plausibility to such a scheme, or obviate the insuperable difficulties which would present themselves in any political organization thus strangely constituted. The machine would stop by its own inherent arrangements. Such minorities would, in fact, become majorities, controlling public affairs at their pleasure.

Mr. President, I will terminate my remarks as speedily as possible, and I trust the Senate will bear with me a little longer. There are one or two circumstances, alluded to by the Senator from South Carolina, which I desire to notice, and which appear to me not a little extraordinary. I hold in one hand the speech of the Senator from South Carolina, and in the other the speech of a gentleman from Pennsylvania, (MR. STEVENS,)



delivered the other day in the House of Representatives ; a gentleman who, in all his opinions upon the subject before us, so far as we know, is directly the opposite of the Senator from South Carolina ; aye, as far as the antipodes—as far asunder as the poles. *The bane and antidote are both before me.* The distinguished Senator from South Carolina says, in that speech, that this Government is one as absolute as that of the Autocrat of Russia. The expression is strong, and I will read it from the speech, so that I may not be accused of misrepresentation :

“What was once a constitutional federal republic, is now converted in reality into one as absolute as that of the Autocrat of Russia, and as despotic in its tendency as any absolute Government that ever existed.”

MR. BUTLER. Who says that ?

MR. CASS. Your colleague, the distinguished Senator from South Carolina.

MR. BUTLER. I thought you were reading from another speech.

MR. CASS. No sir, from the speech of your colleague. He says that this is the most despotic Government on the face of the earth. Well, sir, the representative from Pennsylvania reiterates a similar sentiment, and speaks of this Government as a despotic one. All this shows how often extremes meet in this world, and it is not a little curious that both these gentlemen, in the illustration of their views, refer to the Autocrat of Russia.

We lose all our confidence in the force of language, and in the authority of years and intellect, when such extravagant assertions are presented to us. Is there a man in this broad land who does not know and feel instinctively that he is free ? And yet he is told seriously—not in an extemporaneous debate, such as we are now engaged in, when no man should be held to a rigid accountability for his expressions, but in a prepared speech, written and printed before its delivery, and laid upon our tables immediately after—and I believe sent through all parts of our country contemporaneously—we are told, I say, that this is the most despotic Government on the face of the earth ! And who tells us so ? One of the most distinguished men of this country—a man who has rendered her important services and occupied high places in her councils for more than one-third of a century—possessing the highest intellect and unspotted integrity, and who has won a world-wide reputation ! What will be thought and said of this in Europe ? In republican Europe ? In monarchical Europe ? Why, sir, it is on its way to Siberia already. It will be transferred into every paper on the Eastern continent, and even the Siberian will be admonished that he lives under a paternal Government, far better than that despotic democracy, nicknamed the Pattern Republic, on the other shore of the Atlantic, thus characterized by one of its most renowned citizens and highest officers. All this does serious injury to the cause of freedom throughout the world. Out of our own mouths are we condemned. Let an American go to Europe, and if he come back and does not say that this is not the worst Government on earth, nay—if he does not say it is the best, let his countrymen distrust him. His head or heart is wrong ; probably both. Another word and I abandon this topic.

Mr. President, I am going to give one proof, one irrefragable proof, that will not be contradicted, and which, indeed, admits of no contradiction, that this, instead of being the most despotic, is the freest Government in the world. I ask every one in the Senate chamber, actor or auditor, whether, under any other Government, now in existence, be it a constitutional monarchy, an aristocracy, a democracy, or a despotism, if such a speech as that we heard from the Senator from South Carolina could be delivered with impunity ? That is the question I ask. Go to Europe, to Asia, to Africa, for an answer, if you need one. He who should make such an experiment in St. Petersburg would find himself on the road to Siberia in half an hour, and in Constantinople he would find the bow-string around his neck in the same time. In England it would send him to Australia, where many a good man has been transported for language less significant. There is not a country on the face of the earth where a man could make such a speech with impunity. I thank God that this is so, and that a man may say here what he pleases, and as he pleases. He may assail the Government with perfect safety, its principles, its practices, and its tendencies, and there is no one to make him afraid. All this but provokes investigation, and the more our institutions are investigated, the stronger will they become in the hearts of the people, who will continue to love the Government, which has given them a greater measure of prosperity than any other people ever enjoyed, and will support and defend it against all assaults. Such sentiments never struck my ear before in this high place, and I trust I may never hear them again.

There is another subject to which I must allude. Almost at the time the Senator from South Carolina was endeavoring to show how the North had injured and oppressed the South, and how the Government, or, rather the majority, had gone on to assume despotic power, almost at that very time a distinguished member from Virginia, in the House of Representatives, (MR. MEADE,) was placing in singular contrast the authority which the South had gained and exercised over the Government of the country.

*“Though we have been in a numerical minority in the Union for fifty years, yet during the greater part of that period we have managed to control the destinies of the*

*Union.* Whether on the battle field or in the council, the sons of the South have taken the lead; and the records of the nation afford ample testimony of their *superior energy and genius.*

Well, sir, put this and this together, and then we see who is right. I state the facts. I leave these gentlemen to settle their own controversy. I do not deny, no man is more ready than I am to acknowledge, the obligations we owe to the South, to Washington, to Jefferson, to Madison, to Monroe, to Jackson, and to the distinguished men the South has sent here to preside over the Executive department of the Government, or to assist in its operations. They have won imperishable fame for themselves, and imperishable honor for their country. I accord to them the full meed of praise, for I have no sectional feelings to interfere with my sense of justice, and I love the South as well as the North or West. I have been so much of a wanderer during my life that sectional feeling is absorbed in a general one, and I love my country, and my whole country, with equal ardor. Abroad it is the name of American which inspires honor and confidence, and not the name of Virginian or Pennsylvanian, or any other less eminent in our country. I repeat that Southern statesmen when conducting our affairs have conducted them with ability and success, and the best proof of this is the prosperity we enjoy, and the proud eminence we have attained.

I desire to refer to another fact. The distinguished Senator from South Carolina speaks of the disastrous effects of the Union upon the material interests of the South, while the Senator from Louisiana (Mr. Downs) endeavored to prove, the other day, that in all the elements of prosperity of the South were better off than the North. Let any man who will, reconcile these differences—if he can. It is an effort I shall not undertake. I think it proves to the satisfaction of every moderate man that the whole matter is greatly exaggerated, and that expressions are used, and facts assembled together, sometimes indeed in an imposing form, which furnish no justification for the serious conclusions presented to the country. But, sir, instead of depreciating one section and exalting another, let us all join together to thank that God who enabled our fathers to assert their rights, and who, we may humbly hope, will enable their sons, if they are not struck by judicial blindness, to maintain them, and to transmit them, unimpaired, to their posterity.

Mr. DAVIS, of Mississippi. I understand that the honorable Senator from Michigan expressed a wish to ask me a question.

Mr. CASS. Yes, sir. I wished to ask the honorable Senator from Mississippi if he would vote for the Missouri compromise?

Mr. DAVIS, of Mississippi. I will answer the Senator from Michigan with great pleasure. I have stated on several occasions that I would take the Missouri compromise. This I have said elaborately and decidedly, on several occasions, and explained at some length in a recent speech on the resolutions of the Senator from Kentucky. I have stated that I considered it as an ultimatum, less than I believed to be the rights of the South, but which I would accept to stop the agitation which now disturbs and endangers the Union.

Mr. CASS. As I had a conversation with the Senator on this subject in the morning, I supposed he understood the precise object I had in view. As this, however, appears not to be the case, I will ask him if he would accept the Missouri compromise, as it was regulated by the statute providing for the admission of Missouri into the Union?

Mr. DAVIS, of Mississippi. I understood the Senator, in a conversation this morning, to make that inquiry. I then told him I would not. I now answer before the Senate, No. To meet this inquiry, I waited in the Senate chamber, expecting that he would, at the expiration of the morning hour, address the Senate; but, as he did not, I left here, when the Senator from Illinois was addressing the Senate, to answer a summons to see a sick friend. I returned in a few minutes. As I was informed, after the Senator from Michigan commenced his address, that he had signified a wish to ask a question of me, it seemed to me proper to remind him, at the close of his remarks, of the wish he had announced. I now answer his question in its modified form. I would not take the terms of the Missouri act, but would accept its spirit if presented in terms applicable to this case. When I spoke of the Missouri compromise, I spoke of it as an arrangement by which the Territory was divided between the slaveholding and the non-slaveholding interests; I spoke in reference to the result, the intent of that compromise, which gave to each a portion. I have always been ready to rebuke that mean spirit that would evade its true meaning by a delusive adherence to its words.

I would not take the compromise in the terms by which it was applied to the remaining part of the territory acquired under the name of Louisiana. I would not take it as applied to Texas when that State was admitted into the Union, because the circumstances of both were different from those of the Mexican territory; but I would take it, if made applicable to the existing case, and extended to the Pacific. I considered that, when this Senate had voted to receive petitions and to refer them to committees, to consider upon the power of this Government over slavery in the Territories, over slavery in the District of Columbia, and over the future admission of slave States, we had taken one great step in advance, and one which should awaken the apprehension of the South,



and when, in close connection with this action of the Senate, followed the remark of the honorable Senator from Michigan that the Missouri compromise could not be extended to the recent acquisitions from Mexico, I looked upon it as a conjunction in our political firmament which boded evil to those likely to be destroyed by the joint attraction of these planets. It was, therefore, that I spoke of the declaration as a thing to be noted, marked as the foreshadow of an event. If we are not to have non-intervention, the right to go into these Territories and there claim whatever may be decided to be ours by the decree of Nature; if we are to be debarred from acquiring by emigration, by enterprise, by adventure, by toil, and labor, equally with others, from the common domain of the Union; if we are to be forbidden to use the commons belonging to the common field of which we are joint owners; if, in addition to all this, we are told that no division can be made, that all of that which we own in common must finally become the exclusive property of the other partners—in truth, sir, we are rapidly approaching to that state of things contemplated by the Senator from South Carolina (Mr. CALHOUN), when, without an amendment of the constitution, the rights of the minority will be held at the mercy of the majority. Give us our rights under the constitution—the constitution fairly construed—and we are content to take our chance as our fathers did for the maintenance of position in the Union. We are content to hold on to the old compact, and, as we believe in the merits of our own institutions, we are willing to trust to the working out of our own salvation. If we are to be excluded, by Congressional legislation, from joint possession on the one hand, and denied every compromise which, by division, would give us a share on the other—neither permitted to an equality of possession as a right, nor a divided occupation as a settlement between proprietors—I ask what is the hope which remains to those who are already in a minority of this confederacy? What do we gain by having a written constitution, if sectional pride or sectional hate can bend it as passion, or interest, or caprice may dictate? What do we gain by having a Government based upon this written constitution, if, in truth, the rights of the minority are held in abeyance to the will of the majority? And, now, I ask the Senator from Michigan a question: Will he not, under the crisis which hangs upon the fate of the country—will he not support the Missouri compromise—the spirit of the compromise—for a division of the Territories between the two interests of the country?

Mr. CASS. I will answer the Senator. I spoke of the Missouri compromise, which established a line that ran through a country in which slavery existed, and which declared that slavery should be excluded north of that line, and left the country south of it as it found it, to continue slavery or to exclude it, as the people might judge best. I say that my doctrine for the whole territory is non-intervention.

Mr. DAVIS (in his seat). I prefer that, too.

Mr. CASS. I agree, therefore, with the Senator from Mississippi. I say that this Government has no right to interfere with the institution of slavery in the Territories; and I say, if the South think they have rights there under the constitution, in God's name, let the Supreme Court determine the question. No one can object to that.

Mr. DAVIS (in his seat). But we cannot get there.

Mr. CASS. I do not know that. I think otherwise. I would observe, and the Senate will remember, that the point at issue was the Missouri compromise; and now I understand the Senator from Mississippi would not vote for that measure unless it was accompanied with the declaration that slavery should, or may, or does exist south of the line. Do I understand him aright?

Mr. DAVIS, of Mississippi. I have several times had occasion to explain that point. I will agree to the drawing of the line 36 deg. 30 min. through the territories acquired from Mexico, with this condition, that while slavery is prohibited north of that line, it shall be permitted to enter south of the line; and that the States which shall be admitted into the Union shall come in under such constitutions as they think proper to form.

Mr. CASS. What I would do to save this Union from dissolution, if dissolution were impending over it, and to be averted only by one course of action, it is difficult to say. I would do almost any thing.

I desire to advert to another topic, and that is one relating personally to myself. I need not remind the Senate, that, within a short time, I have passed through a very severe ordeal for any man. I said, and I said truly, when the Senator from Kentucky remarked, a few days since, he was the best abused man in the country—that he was so with one exception. That exception my modesty prevents me from naming. During that campaign I was silent, and left the falsehoods, which in this country seem to belong to such a contest, to serve out their purpose, and then to die. But when these things are resuscitated, and repeated here, or in the other branch of the National Legislature, I choose to defend myself. I am not now in a position which precludes me from the exercise of that right, and I will exercise it in my place when the nature of the assault, or the standing of the assailant may render this necessary. I owe this duty to my constituents, by whose favor I am here, not less than to myself. A gentleman from North Carolina (Mr. STANLY) said in the House of Representatives, a few days since, "the Taylor beat Cass, who thanked God he never owned a slave," &c. I never said th-

It is one of the unfounded stories whose functions having been fulfilled, is thus suddenly called from its resting-place for some purpose, I know not why. It is an expression I never used. It conveys a meaning I utterly disavow. I do not arraign the motives of the gentleman who has thus arraigned me. He had heard the story, and I presume believed it. But he should have ascertained the facts before he thus summoned me, not in the heat of an excited contest, but in the cool hours of legislation, to the bar of the House of Representatives, and, in effect, to the bar of the country. The charge, sir, places me in the position of a Pharisee, thanking God that I better than the men of the South, and free from offences which they commit. All this is as contrary to my feelings as to my habits. I cast no reflections upon the South then or at any other time.

What I said and did I will now state, and if a single Senator on this floor will condemn my course, I will then confess that this charge is not wholly groundless as it appears to me.

While I was in France, it is well known that Great Britain had formed a plan by which she intended to gain the command of the seas. There is no secret about this now, and it has been openly avowed. Her object was, under the pretext of putting an end to the slave trade, to board our vessels, which would have been followed by the impressment of our seamen and other acts of aggression incident to her naval superiority. My friend, Mr. Stevenson, was then our representative in London. It is the first and great duty of an American Minister abroad, when the rights of his country are assailed, to assert and defend them. Mr. Stevenson did so in an able and fearless manner, in a correspondence marked with signal ability. During the progress of the controversy the public mind in England became much excited, and there was a strong effort made to connect the continuance of the slave trade with the condition of slavery in our country, as though the former were essential to the latter. All the tirades against slavery we sometimes hear at home, were poured out there.

The Senator from Massachusetts, in his eloquent speech the other day, spoke of a Congressional and an American vocabulary, but I can tell him there is such a thing as an English and a Parliamentary vocabulary, and I have never heard a worse one, when circumstances call it out, on this side of Billingsgate. Well, sir, my friend, Mr. Stevenson, received his full share of these choice compliments. What was said? Why, that he was a slaveholder and a slavebreeder, and, therefore, his testimony was discredited and worthless; that he was an interested witness, and not to be believed; and all this produced its effect upon the excited temperament of the English people. When it came to my turn to take part in the defence of my country, I explained my views in a pamphlet, from which I will read an extract:—

“As to the *status* of slavery itself, it were idle to contend it is illegal by the common consent of mankind. It has existed since the earliest ages of the world, and there is probably no nation, ancient or modern, among whom it has not been known. By some it has been abolished, and where it yet survives we hope its condition has been meliorated. This is certainly true of the United States. A general disposition is gaining ground to improve the situation of this unfortunate class of society. This is felt in the Southern States of the American Confederacy as well as elsewhere, and he who should judge of the treatment of the slaves in that region, by their treatment in the West India colonies, would do the Southern planter egregious injustice. \* \* \* \* \*

“We are no slaveholder. We never have been. We never shall be. We deprecate its existence in principle, and pray for its abolition every where, where this can be effected justly, and peaceably, and safely for both parties. But we would not carry fire, and devastation, and murder, and ruin into a peaceful community, to push on the accomplishment of the object. But, after having visited the three quarters of the old continent, we say, before God and the world, that we have seen far more, and more frightful misery, since we landed in Europe—and we have not visited Ireland yet—than we have seen among this class of people in the United States. Whatever may be said, there is much of the patriarchal relation between the Southern planter and the slave. And as to the physical distress, which is seen in Europe, resulting from a want of food and from exposure to a rigorous winter without adequate clothing, we believe it to be so rare as not to form a just element in the consideration of this matter. But the subject of the emancipation of two millions and a half of human beings, living among another population of different race and color, and with different habits and feelings, is one of the gravest questions which can be submitted to society to solve. It can be safely left only to those who are to be so seriously affected by it; and there it is left by the constitution of the United States. It is a matter with which the General Government has no concern.”

There is the testimony which I bore to the condition of American slavery while in Europe, and for which I am now condemned in the House of Representatives. Why did I speak thus? For the purpose of showing that I was a disinterested witness, and that statements were not subject to the suspicions attempted to be cast upon Mr. Stevenson.

Here I close my extract and my defence, and leave gentlemen from the South to me for my assault upon that section of our common country and its institutions.



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